

Encyclopædia of Religion and Ethics

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PART XXXI.—INEBRIATE REFORMATORIES AND RETREATS.*

Statutory provisions.—The powers possessed by local authorities under the general law in relation to inebriate reformatories and retreats are derived from the Inebriate Acts, 1879 to 1900, which comprise the under-mentioned statutes :

HABITUAL DRUNKARDS ACT, 1879 (42 & 43 Vict. c. 19) ;

INEBRIATES ACT, 1888 (51 & 52 Vict. c. 19) ;

INEBRIATES ACT, 1898 (61 & 62 Vict. c. 60) ; and

INEBRIATES ACT, 1899 (62 & 63 Vict. c. 35).

Under s. 9 of the Act of 1898 the council of any county or borough may contribute such sums, and on such conditions, as they think fit, towards, or may themselves undertake, the establishment or maintenance of a reformatory certified or intended to be certified under that Act, and may defray the whole or any part of the expenses of detention, and two or more councils may combine for any such purpose ; and the council of a borough are empowered to borrow for any such purpose in like manner as if it were a purpose for which they are authorised by s. 106 of the Municipal Corporations Act, 1882, to borrow.

Under s. 14 of the Act of 1898 the council of any county or borough may contribute such sums and on such conditions as they may think fit towards the establishment or maintenance of a retreat under the Inebriates Acts, 1879 and 1888, as amended by the Act of 1898, and two or more councils may combine for any such purpose.

Special boards.—By the Lancashire Inebriates Acts Board Act, 1900 (63 & 64 Vict. c. 38), a body corporate by the

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iv. pp. 5—45. "Encyclopædia of Forms and Precedents," vol. vi. pp. 508—534. Blackwell's Habitual Inebriates Acts, 1879—1898.

name of the LANCASHIRE INEBRIATES ACTS BOARD was constituted for the entire county of Lancaster, consisting of representatives of the county and county boroughs, with power to apply to a Secretary of State to certify an inebriate reformatory under the Inebriates Act, 1898, and to themselves undertake or contribute to the establishment or maintenance of an inebriate reformatory or reformatories, and to acquire lands, erect or provide and maintain and furnish buildings, and generally to do all acts and things necessary or proper for the purpose. The Board were also empowered (*inter alia*) to contribute such sums and on such conditions as they may think fit towards the establishment and maintenance of retreats under the Inebriates Acts, 1879 and 1888, as amended by the Inebriates Act, 1898, to borrow money for the execution of their powers under the Act, and to dispose of surplus lands.

In pursuance of s. 81 of the Local Government Act, 1888, a joint committee was appointed for the purposes of the Inebriates Acts, 1879 to 1900, by the county councils of the East, North, and West Ridings of Yorkshire and the councils of the county boroughs of Bradford, Halifax, Kingston-upon-Hull, Leeds, and York. The county boroughs of Huddersfield, Middlesbrough, Rotherham, and Sheffield declined to join the combination. The joint committee is designated "THE YORKSHIRE INEBRIATES ACT JOINT COMMITTEE," and the representation of the said councils thereon is as follows:—

Name of Council.	Number of representatives.
East Riding of Yorkshire County Council . . .	2
North " " " " . . .	3
West " " " " . . .	9
Bradford Town Council . . .	3
Halifax " " " " . . .	1
Kingston-upon-Hull Town Council . . .	2
Leeds Town Council . . .	4
York " " " " . . .	1
Total . . .	<hr/> 25

The agreement between the councils in the matter is dated 1st January, 1902; and a copy of it will be found in the report of the inspector under the Inebriates Acts, 1879 to 1900, for the year 1901, pp. 102—104. [*Parliamentary Paper. Cd. 1381. 1902.*]

Borrowing powers.—The Inebriates Acts contain no provision with respect to the borrowing of money by county councils, but such councils are empowered to borrow for the purposes of these Acts by s. 69 (1) of the Local Government Act, 1888, which enables a county council, with the consent of the Local Government Board, to borrow for the following among other purposes:—

- (b) For purchasing any land or building any building, which the council are authorised *by any Act* to purchase or build;
- (c) For any permanent work or other thing which the county council are authorised to execute or do, and the cost of which ought, in the opinion of the Local Government Board, to be spread over a term of years.

Borrowing powers are conferred on town councils by s. 9 (2) of the Inebriates Act, 1898, the effect of which is set out *ante*, p. 453. That enactment makes the borrowing of money for the purposes therein referred to subject to s. 106 of the Municipal Corporations Act, 1882, which, as amended by s. 72 of the Local Government Act, 1888, requires the approval of the Local Government Board to be obtained thereto (a).

Applications for sanction to loans.—An application by a county council for the consent of the Local Government Board to a loan for the purposes of the Inebriates Act, 1898, should be accompanied by the following particulars, so far as they are applicable—

- (1) A copy of a resolution of the council authorising the application (b);
- (2) A statement, as regards any intended contribution, setting out concisely (i) the precise purposes to which the sum to be borrowed is to be applied, and (ii) the

(a) These sections are set out under Part X., "Borrowing."

(b) See also "RESOLUTIONS," p. 8.

terms and conditions upon which the contribution is to be made. A copy of any agreement proposed to be entered into the matter should also be forwarded;

- (3) Information as to whether application has been made to the Secretary of State under s. 5 (1) of the Act and as to the result of such application;
- (4) Plans, sections, and elevations of any building to be established by the county council themselves (including a plan of the site) (*a*);
- (5) A detailed estimate of the cost of the scheme (*b*);
- (6) Information as to what arrangements have been entered into for the acquisition of the site; and
- (7) Particulars (in Form K, No. 15) as to the rateable value and existing debt of the county (*c*).

Similar information should be furnished in connection with an application by a town council to the Board for their approval of a loan, except that the application must be made in the manner in which applications under the Municipal Corporations Act, 1882, are required to be made (*d*) and that Form K, No. 55, should be used for supplying particulars as to the rateable value and existing debt of the borough.

Loans sanctioned.—Up to 31st March, 1907, loans had been sanctioned by the Local Government Board for the provision of inebriate reformatories or for contributions towards the establishment of such buildings as follows:—

I. COUNTY COUNCILS.

County.	Year ended March 31st.	Amount.	Period for repayment.
		£	Years.
Buckingham	1901	1,000	25
Hertford	1901	1,000	25
"	1903	250	25
Monmouth	1901	1,000	25
Stafford	1901	1,000	25
Warwick	1900	1,000	25
Yorks., East Riding . .	1904	3,745	30
" North Riding . . .	1904	7,065	30
" West Riding	1904	22,940	30
Total		£39,000	

(a) See also "PLANS," p. 6.

(c) See also "FORMS," p. 5.

(b) See also "ESTIMATES," p. 4.

(d) As to this, see remarks on pp. 139, 140.

II. TOWN COUNCILS.

Borough.	Year ended March 31st.	Amount.	Period for repayment.
		£	Years.
Birkenhead	1901	1,000	25
"	1903	250	25
Birmingham	1900	2,000	25
"	1904	500	22
Bradford	1904	4,570	30
Bristol	1900	2,000	25
"	1903	500	25
Halifax	1904	1,490	30
Kingston-upon-Hull	1904	3,250	30
Leeds	1904	5,705	30
Leicester	1901	1,000	25
Newport (Mon.)	1900	1,000	25
"	1903	250	25
Reading "	1900	1,000	25
"	1903	250	25
Swansea	1902	1,000	25
West Ham	1901	1,000	25
Wolverhampton	1901	1,000	25
"	1904	250	25
York	1904	1,235	30
Total		£29,250	

III. LANCASHIRE INEBRIATES ACTS BOARD (a).

Year ended March 31st.	Amount.	Period for re- payment.
	£	Years.
1904	42,618	30
"	4,500	30
1905	10,145	30
1906	2,737	10
Total .	£60,000	

IV. SUMMARY.

The above tables show that, up to 31st March, 1907, loans for the under-mentioned amounts had been sanctioned by the

(a) As to the constitution and powers of this Board, see pp. 453, 454. By s. 24 of the Lancashire Inebriate Acts Board Act, 1900, they were authorized to borrow a sum not exceeding £50,000 independently of the sanction of the Local Government Board.

Local Government Board to local authorities for the purposes of the Inebriate Acts :—

	£
County Councils	39,000
Town Councils	29,250
Lancashire Inebriates Acts Board. . .	60,000
Total	<u>£128,250</u>

Parliamentary papers (a).—The following are some of the principal Parliamentary papers which have been issued with reference to inebriate reformatories and retreats :

REPORTS of the Inspector under the Inebriates Acts, 1879 to 1900. (*Issued annually.*)

NOTE.—These reports contain (among other information) copies of the various regulations which have been made by the Secretary of State for the Home Department under the Acts, lists of certified reformatories and licensed retreats, and lists of councils which have or have not made provision for the reception of persons committed under the Acts. The report for 1902 included a list of councils contributing to the Royal Victoria Homes at Brentry, Bristol, and sketch plans of the new reformatory for Yorkshire and the Southern Counties Inebriate Reformatory at Lewes.

RULES and Regulations, dated 28th February, 1907, for retreats licensed under the Inebriates Acts. [No. 170. 1907. 1½d.]

A COLLECTION of British, Colonial, and Foreign Statutes relating to the Penal and Reformatory Treatment of Habitual Inebriates; with Appendices. (Supplement to Report of Inspector under the Inebriates Acts for 1901.) [*Vol.* 1474. 1903.]

RETURN showing the State Reformatories instituted or about to be instituted under s. 3 of the Inebriates Act, 1898, and the Inebriate Reformatories certified and in course

(a) As to how such papers may be obtained, see Part XLVI., "Parliamentary and other Papers."

of construction, with the male or female accommodation in each ; also the habitual drunkards (male and female) convicted and those who, after conviction, were in 1899 under detention in prison, until a suitable reformatory was found ; also the Retreats certified and in course of construction, with the accommodation in each ; and the local authorities contributing in support of certified reformatories and retreats. [*No.* 346. 1900.]

REPORT of the Departmental Committee appointed to advise as to the regulations to be made under the Inebriates Act, 1898, for Inebriate Reformatories. [*Cd.* 9112. 1899.]

PART XXXII.—LAND.*

I. PURCHASE AND TAKING ON LEASE.

1. *Under the Public Health Act, 1875.*

Statutory provisions.—The principal provisions of this Act with respect to the acquisition of lands by local authorities are contained in ss. 175 and 176.

Under s. 175 any local authority may, for the purposes and subject to the provisions of the Act, purchase or take on lease any lands, whether situated within or without their district, and they may also buy up any water-mill, dam, or weir which interferes with the proper drainage of or the supply of water to their district.

And, under s. 176, application may be made by a local authority to the Local Government Board for the issue of a Provisional Order putting in force the powers of the Lands Clauses Acts with respect to the compulsory purchase of land, where land cannot be acquired by agreement. For more precise information as to the provisions of this enactment and as to the particulars which should accompany such an application, see Part LI., "*Provisional Orders.*"

Sections 177 and 178 are also included in the provisions of the Act which are headed "Purchase of Lands," but s. 177 refers to the letting of lands by a local authority, while s. 178 relates to the sale of lands to local authorities by the Duchy of Lancaster.

Borrowing powers.—The borrowing of money by a local authority for the purchase of land for the purposes of the Public Health Act, 1875, is subject to the provisions of ss. 233

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 114—157. "Encyclopædia of Forms and Precedents," vols. ii., vii., viii., and xii.

and 234 of the Act, which (*inter alia*) require the sanction of the Local Government Board to be obtained thereto (a).

Periods for repayment of loans.—The period usually fixed by the Local Government Board for the repayment of a loan under the Public Health Act, 1875, for the purchase of freehold land, is sixty years.

* Where, however, the whole of the land to be purchased will not be required for the purposes of the scheme, it would appear to be the general practice of the Board to allow a short period only for the repayment of the amount representing the estimated value of the surplus land, such period varying from one to five years, according to the time within which the local authority expect that resale will be effected, but, in some cases, presumably where there are exceptional circumstances, the full period is allowed for the entire cost of the land on the understanding that the monies received from the resale of the surplus land will be immediately applied towards the repayment of the loan and that the loan will be raised on terms which will permit of this being done.

The period allowed for easements is the same as that for the works in respect of which the easements are required (*vide* Report of Select Committee on Repayment of Loans).

Applications for sanction to loans.—The sanction of the Local Government Board is not necessary to the taking of land on lease for the purposes of the Act, nor to the purchase of land by agreement for such purposes, unless it is proposed to defray the cost of the purchase out of a loan. In such a case and also, in the case of land to be leased, where it is intended to raise a loan for the execution of the scheme in connection with which the land is required, a provisional agreement should be entered into for the acquisition of the land, that is to say, the agreement should be made conditional on the sanction of the Local Government Board being obtained to the loan; and this should be done before application is made to the Board for sanction to the loan.

In making any such application, it should be stated whether a provisional agreement has been entered into for the purchase or lease of all the land required for the purposes of the scheme; and, in the latter case, a draft of the proposed lease should accompany the application. The lease should be for a period of not less than thirty years, if this period is desired for the repayment of the loan, as it would be contrary to the practice of the Board to allow for the repayment of a loan for works on leasehold land a longer period than the unexpired term of the lease.

If the site of the intended works is already in the possession of the local authority, it should be stated (i) when, (ii) out of what funds, (iii) under what statutory authority, and (iv) for what purpose the land was acquired, and, if it is held on lease, a copy of the agreement for lease should be forwarded.

Where land is to be purchased for two or more distinct purposes, *e.g.* Depot, Fire Station, Offices, Street Improvement, etc., the amount proposed to be borrowed in respect of the purchase should be apportioned between the several purposes, and it should be definitely stated what sum is required for each purpose, as it is the practice of the Local Government Board to issue separate sanctions to the borrowing of money for different purposes. The same remark applies to the cost of buildings to be used for various purposes. A plan on tracing-cloth showing how the land is to be allocated to the different purposes, should accompany the application.

If the whole of the land to be purchased will not be required for the purposes of the scheme, a statement should be supplied as to the area and estimated value of the land which will be available for resale in accordance with the provisions of s. 175 of the Act, and as to the period within which it is expected that resale will be effected.

In cases in which the application is for sanction to a loan for the purchase of a leasehold interest in land, it should be stated in whom the freehold is vested, and, if not in the authority making the application, whether negotiations have been entered into for the purchase of the freehold and, if so, with what result.

2. *Under the Municipal Corporations Act, 1882.*

Statutory provisions.—Sections 105 and 107 of the Municipal Corporations Act, 1882, deal with the acquisition of land by a municipal corporation.

Under s. 107 of the Act of 1882, as amended by s. 72 of the Local Government Act, 1888, where a municipal corporation has not power to purchase or acquire land, or to hold land in mortmain, the council may, with the approval of the Local Government Board, purchase or acquire any land in such manner and on such terms and conditions as the Board approve, and the same may be conveyed to and held by the corporation accordingly.

Borrowing powers.—The borrowing of money by a town council under the Municipal Corporations Act, 1882, for the purchase of land, is subject to the provisions of ss. 106 and 112 of the Act which, as amended by s. 72 of the Local Government Act, 1888, require the approval of the Local Government Board to be obtained thereto.

Period for repayment of loan.—The period usually fixed by the Local Government Board for the repayment of loans for the purchase of lands under the Municipal Corporations Act, 1882, is thirty years, this being the maximum period which can be allowed under the statute (s. 112).

Application for approval of purchase, etc.—An application by a town council to the Local Government Board for their approval of the purchase or acquisition of land in pursuance of s. 107 (1) of the Act of 1882 should be embodied in a memorial of the council under the corporate seal.

No form has been prescribed by the Board for the memorial, but it should be on paper of foolscap size and should state:

- (i) Whether a provisional agreement has been entered into for the purchase or acquisition of the land ;
- (ii) The area and situation of the land ;
- (iii) The terms of acquisition ; and
- (iv) The purpose or purposes for which the land is required.

The memorial should be accompanied by---

- (1) A copy of the notice given under s. 236 of the Act endorsed with a certificate by the town clerk to the effect that the notice has been affixed to the Town Hall for one month prior to the date of the application, and that the application itself has been open to public inspection during that period; and
- (2) A small plan (on tracing-cloth) in duplicate of the land to be purchased or acquired, unless the land is to be purchased by means of a loan, in which case the plan need not be furnished in duplicate (a).

3. *Under the Local Government Act, 1888.*

Statutory provisions.—Section 65 of the Act of 1888 enables a county council, for the purpose of any of their powers and duties, including those which are to be executed through the standing joint committee, to acquire, purchase, or take on lease, or exchange any lands or any easements or rights over or in land, whether situate within or without the county, and to acquire, hire, erect, and furnish such halls, buildings, and offices as they may require, whether within or without their county, and incorporates ss. 176-178 of the Public Health Act, 1875.

The provisions of ss. 176—178 of the last-mentioned Act have been dealt with *ante*, p. 460.

Borrowing powers.—The borrowing of money by a county council under the Local Government Act, 1888, for the purchase of land is authorised by s. 69 (1) (b) of the Act and is subject to the consent of the Local Government Board (see *ante*, p. 123).

Period for repayment of loan.—The period usually granted by the Local Government Board for the repayment of a loan under the Act of 1888 for the purchase of land, except land required for the purposes of a statute which authorises the

(a) See also "PLANS," p. 6.

Board to allow a longer period (*e.g.* the Education (Administrative Provisions) Act, 1907, and the Small Holdings and Allotments Act, 1907), is thirty years, this being the maximum period which can be allowed under the statute (s. 69 (5)).

Applications for consent to loan.—The remarks as to application for consent to loans for the purchase of lands under the Public Health Act of 1875 (*ante*, p. 461) will apply generally to applications under the Act of 1888.

4. *Under the Local Government Act, 1894.*

Statutory provisions.—The principal provisions of this Act with respect to the acquisition of land are contained in ss. 8 (1) (b), (e), (g), 9, as amended by the Small Holdings and Allotments Act, 1907, and 12 (1).

Under s. 8 (1) (b), a parish council are empowered to provide or acquire land for such buildings as are mentioned in s. 8 (1) (a), namely, buildings for public offices and for meetings and for any purposes connected with parish business or with the powers or duties of the parish council or parish meeting, and also for a recreation ground and for public walks.

Section 8 (1) (e) and (g) enable a parish council to exercise certain powers as to water supply and to acquire by agreement any right of way, the acquisition of which is beneficial to the inhabitants, but sub-s. (15) of s. 9 expressly provides that nothing in the section shall authorise a parish council to acquire otherwise than by agreement any land for the purpose of any supply of water, or of any right of way.

Section 9 (1) provides that for the purpose of the acquisition of land by a parish council the Lands Clauses Acts shall be incorporated with the Act of 1894, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, and that s. 178 of the Public Health Act, 1875, (which refers to the sale of lands by the Duchy of Lancaster to local authorities) shall apply as if the parish council were referred to therein.

The provisions of s. 9 which relate to the compulsory acquisition of land are dealt with under the next sub-head.

Compulsory acquisition of land.—(i) **STATUTORY PROVISIONS.**
 —Sub-sections (2)—(15) and (19) of s. 9 of the Act of 1894 as amended by the Small Holdings and Allotments Act, 1907, provide for the compulsory acquisition of lands by a parish council for any purpose for which they are empowered to purchase land, other than for allotments. The initial step is a representation to the county council by a parish council. If the county council are satisfied that a *prima facie* case is made out an inquiry must be directed and notices served in accordance with the requirements prescribed by the Local Government Board. After completion of the inquiry it is competent for the county council to make an Order for the compulsory acquisition of the specified lands. If the county council refuse to make an Order the council who made the application to the county council may appeal to the Local Government Board, who may then make the Order themselves. Notice of an Order and of its effect must be served in the prescribed manner, and a copy of the Order must be deposited with the Board, who are to inquire whether the provisions of the section and the prescribed regulations have been complied with. If the Board are satisfied as to compliance with all requirements and no memorial is presented praying for further inquiry, the Board are to confirm the Order. If a memorial is presented, the Board must hold a local inquiry and may then confirm, with or without amendments, or disallow the Order. The Order upon confirmation will be final and have the effect of an Act of Parliament.

(ii) **REGULATIONS PRESCRIBED BY LOCAL GOVERNMENT BOARD.**
 —The undermentioned General Order has been made by the Local Government Board prescribing regulations and adaptations of certain provisions of the Allotments Acts, 1887 and 1890, applicable to proceedings under s. 9 of the Local Government Act, 1894 :—

General Order dated 22nd May, 1895 (No. 32,844).

PARISH COUNCILS AND DISTRICT COUNCILS.

This Order relates to cases in which the county council proceed upon a representation by a parish council under sub-s. (2) of the section.

Presumably so much of this Order as refers to a petition, under s. 2 of the Allotments Act, 1890, of six persons qualified as mentioned in that section, or of a parish council, or a petition of a district council under s. 3 (2) of the Allotments Act, 1887, is now inoperative in consequence of the passing of the Small Holdings and Allotments Act, 1907 (see s. 47 (4) and Second Schedule thereof).

* It is essential that the utmost care should be taken to comply with these regulations in every respect, as any failure may invalidate the Order (see s. 9 (7) of the Act).

Copies of this General Order and of the explanatory memoranda issued by the Local Government Board in connection therewith can be obtained from the Board or can be purchased in the ordinary way.

(iii) DEPOSIT OF ORDER WITH LOCAL GOVERNMENT BOARD.—In connection with the deposit of an Order made by a county council under s. 9, the Local Government Board should be furnished with a statutory declaration made by the clerk of the county council proving that all the requirements of the section and of the Board's General Order dated 22nd May, 1895, have been complied with. The map or plan (or a copy) referred to in the Order of the county council should at the same time be forwarded to the Board. If, however, the Order does not refer to a map or plan, an Ordnance map on the scale of twenty-five inches to the mile showing by colour the area to which the Order applies should be supplied.

No form for the statutory declaration proving compliance with the requirements of the Act has been prescribed, but the following form may be conveniently adopted:—

Form of Statutory Declaration.

Statutory Declaration by clerk of county council proving compliance with the requirements of s. 9 of the Local Government Act, 1894, and of the General Order of the Local Government Board, dated 22nd May, 1895.



*In the matter of an Order made by the
county council of _____ under
s. 9 of the Local Government Act,
1894.*

I (a), _____

do solemnly and sincerely declare as follows:—

1. That on the _____ day of _____, 19____, the said county council received (b)

A copy of the said representation is hereto annexed and marked "A."

2. That the said representation was duly referred to the Small Holdings and Allotments Committee of the said county council, and the said committee being satisfied of the *bonâ fides* of the application did on the _____ day of _____, 19____, direct that a local inquiry should be held into the circumstances.

3. That on the _____ day of _____, 19____, the said committee reported the result of the said inquiry to the said county council.

A copy of such report is hereto annexed and marked "B."

4. That at a meeting of the said county council held on the _____ day of _____, 19____, the report of the said committee was taken into consideration, and the said county council decided to proceed under s. 9 of the Local Government Act, 1894, and, with a view to such proceeding, to cause public inquiry to be made with reference to the said representation.

5. That on the _____ day of _____, 19____ (being not less than six weeks before the day on which it was proposed to hold the inquiry), a printed copy of the notice prescribed by Article I. of the General Order of the Local Government Board, dated 22nd May, 1895, was sent by a registered letter

(a) Insert full name and official description of declarant, *e.g.* John Jones, clerk of the county council of _____.

(b) State the facts as to the representation, *e.g.* from the parish council of _____ a representation under s. 9 (2) of the Local Government Act, 1894, that a recreation ground was required for the said parish, and that they had been unable to acquire by agreement and on reasonable terms suitable land for the purpose.

properly addressed, prepaid, and posted, to each owner, lessee, and occupier (a) of the land proposed to be taken.

A copy of the said notice is hereto annexed and marked "C."

6. That on the day of , 19 (being not more than one calendar month and not less than two weeks before the holding of the public inquiry), the notice prescribed by Article II. of the said General Order of the Local Government Board was published in the said parish by posting a printed copy thereof as a bill or placard in every such place in the said parish as is ordinarily used for posting public or parochial notices; and, on the day of , 19 , a printed copy of such notice was sent by a registered letter properly addressed, prepaid, and posted, to the said parish council, and to each owner, lessee, and occupier (a) of the land proposed to be taken.

A copy of the said notice is hereto annexed and marked "D."

7. That on the day of , 19 , a public inquiry into the said parish was held in accordance with the terms of the said last-mentioned notice.

8. That on the day of , 19 , the said county council, having considered the report upon the said public inquiry, decided to make an Order in the matter under s. 9 of the said Local Government Act, 1894.

A copy of the Order so made is hereto annexed and marked "E."

9. That on the day of , 19 (being within ten days after the making of the said Order), a copy of such Order was, in accordance with Article III. of the said General Order of the Local Government Board, sent by a registered letter properly addressed, prepaid, and posted, to the said parish council, and to each owner, lessee, and occupier (a) of the land proposed to be taken, together with, in accordance with

(a) If in the absence abroad of any such owner, lessee, or occupier, the notice was sent to his agent, this should be specified.

land by the parish council for the particular purposes indicated in the table below—

Year ended March 31.	County Council.	Parish Council.	Purpose.
1900	Cambridge.	Steeple Morden.	Recreation Ground.
"	Northampton.	Great Houghton.	Burial Ground.
1901	Dorset.	Portisham.	" "
"	East Sussex.	Hailsham.	" "

The following copy of an Order made by the Local Government Board confirming an Order of the county council of East Sussex under the enactment referred to is given as a specimen :—

To the County Council of EAST SUSSEX;—

And to all others whom it may concern.

WHEREAS on the 31st day of July, 1900, the County Council of East Sussex (hereinafter referred to as "the County Council") made the Order (hereinafter referred to as "the Order") set forth in Schedule hereto;

And whereas in pursuance of the provisions of sub-section (7) of Section 9 of the Local Government Act, 1894, the County Council have deposited the Order with Us, the Local Government Board, for confirmation;

And whereas We have made inquiry and are satisfied that the statutory provisions and the prescribed Regulations applicable to such an Order have been in all respects complied with; and no Memorial praying that the Order shall not become law without further inquiry has been presented to Us within the period of one calendar month after the making of the Order, being the period prescribed by the said Regulations;

Now THEREFORE, We, the Local Government Board, in pursuance of the powers given to Us in that behalf, Do hereby confirm the Order.

SCHEDULE.

"COUNTY OF EAST SUSSEX.

"PARISH OF HAILSHAM.

"TO THE PARISH COUNCIL OF HAILSHAM.

"TO THE OWNER, LESSEE, OR OCCUPIER OF THE
"LAND PROPOSED TO BE COMPULSORILY
"PURCHASED BY THIS ORDER.

"AND TO ALL OTHERS WHOM IT MAY CONCERN.

"WHEREAS the Parish Council of the Parish of Hailsham have
"made a representation to the County Council of the above-named
"County for the purpose of obtaining an Order authorising the
"said Parish Council to compulsorily acquire land for a Burial
"Ground.

"AND WHEREAS, at a Meeting of the County Council, held on
"the 8th day of May, 1900, it was resolved, that the County
"Council were satisfied that the Parish Council of Hailsham could
"not acquire by agreement and on reasonable terms suitable land
"for a purpose for which the Parish Council is authorised to
"acquire it—that is to say for a Burial Ground—and that the
"circumstances were such as to justify the County Council in
"proceeding under Section 9 of the Local Government Act, 1894.

"AND WHEREAS the said County Council have complied with the
"provisions of Section 9 of the said Act, and the regulations
"prescribed thereunder.

"NOW THEREFORE, We, the County Council of the County of
"East Sussex, in pursuance of powers given to us in that behalf, do,
"by this our Order, direct as follows :—

"1. The Parish Council of Hailsham is hereby authorised to
"purchase compulsorily for a Burial Ground the land
"specified in the schedule to this Order, and which is
"more particularly delineated or described on the Map or
"Plan marked 'A,' annexed hereto, and thereon coloured
"pink.

"2. The powers of the Parish Council for the compulsory pur-
"chase of the said land shall not be exercised after the

"expiration of one year from the date of the Order of the
"Local Government Board confirming this Order.

"3. There shall be incorporated with this Order the Lands
"Clauses Acts, and Sections 77 to 85 of the Railways
"Clauses Consolidation Act, 1845, and such incorporation
"shall have effect subject to the provisions of sub-section 5
"of Section 3, and of sub-section 6 of Section 11 of the
"Allotments Act, 1887, as adapted by the General Order
"of the Local Government Board dated the 22nd day of
"May, 1895, so far as the said provisions respectively
"mention or affect the enactments hereby incorporated ;
"and subject also, as regards Sections 77 to 85 of the
"Railways Clauses Consolidation Act, 1845, to such adap-
"tations as may be necessary to render any reference
"in the last-mentioned enactments to 'the Railway' or
"to 'Works' of or connected with the Railway applic-
"able to the Burial Ground or to Works of or connected
"with the Burial Ground.

"4. This Order shall become final, and have the effect of an Act
"of Parliament, unless within one calendar month from
"the date hereof a memorial by some person interested is
"presented to the Local Government Board praying that
"this Order shall not become law without further inquiry.

"5. This Order is subject to confirmation by the Local Govern-
"ment Board.

"Given under the Common Seal of the County Council
"this Thirty-first day of July, 1900.

"The Common Seal was affixed hereto
"by order of the County Council,
"in the presence of
"W. V. K. STENNING,
"*Chairman of the County Council,*
"and of

"F. MERRIFIELD,
"*Clerk of the County Council.*"



THE SCHEDULE BEFORE REFERRED TO.

LAND PROPOSED TO BE COMPULSORILY PURCHASED.

Colour on Plan.	Quantity.	Description.	Situation.	Names of	
				Owner.	Lessee or Occupier.
Pink.	Two Acres or thereabouts.	Part of pasturefield, part of Ersham Farm, and adjoining the south-eastern side of the existing Burial Ground.	Parish of Hailsham.	Mrs. Eliza Sarah Ingram, of 20, Cornwall Gardens, London, in the County of Middlesex, Widow.	Mr. Edwin Vine, of Ersham Farm, Hailsham.

Given under the Seal of Office of the Local Government Board, this Eighth day of February, in the year One thousand nine hundred and one.



WALTER H. LONG,
President.

H. C. MONRO,
Assistant Secretary.

(v) REFUSAL OF COUNTY COUNCIL TO MAKE ORDER.—A petition to the Local Government Board by a parish council under s. 9 (5) of the Local Government Act, 1894, should state that the council were satisfied that the object in view was a desirable one in the interests of the parish, and that they had endeavoured to acquire suitable land by agreement, but had failed to secure such land on reasonable terms. It should further set out the facts as to the steps taken in the matter, the representation to the county council to make an order, and the refusal of that council to accede to the representation, and should specify the particular land in respect of which it is

desired that an Order should be made, and pray that the Local Government Board will make the Order under the enactment or enactments applicable to the case.

The petition should be signed by the chairman and two members of the council, and should be accompanied by the following particulars :—

- (1) A full description of the land to which it is desired that the Order should apply, including its situation and precise area ;
- (2) An ordnance map on the scale of 25 inches to the mile showing by colour the plot or plots of land to which the petition relates ;
- (3) The full name (Christian and surname) of every owner, lessee, and occupier of the land, or, if such owner, lessee, or occupier is abroad, the full name of his agent ; and
- (4) The correct postal address of each owner, lessee, and occupier, or, if abroad, of his agent.

The annual reports of the Local Government Board do not, up to 31st March, 1907, disclose any instance in which the Board had overruled the decision of a county council on a petition under this enactment.

Borrowing powers.—The borrowing of money by a parish council for the purchase of land under the Local Government Act, 1894, is authorised by s. 12 (1) of the Act ; and the consent of the county council and of the Local Government Board is required thereto. The consent of the parish meeting is also necessary under s. 11 (1) to the incurring by a parish council of expenses or liabilities which will involve a loan.

Period for repayment of loan.—A period of sixty years is usually fixed by the Local Government Board for the repayment of loans for the purchase of freehold land under the Local Government Act, 1894, this being the maximum period which can be allowed (see s. 234 (4) of the Public Health Act, 1875, which is applied by s. 12 (1) of the Act of 1894).

Applications for consent to loans.—In connection with applications by parish councils for the consent of the Local Government Board to the borrowing of money under the Local Government Act, 1894, for the purchase of land or the carrying out of works where land is to be leased, the remarks on pp. 461 and 462 will apply generally.

II. REDEMPTION OF LAND TAX AND TITHE RENT CHARGES.

Applications for sanction to loans.—The Local Government Board entertain applications from local authorities for sanction to borrow money for the redemption of land tax and tithe rent charges payable in respect of land vested in such authorities.

Any such application should be made in the manner in which applications for sanction to loans under the particular Act applicable to the case are usually made, and should be accompanied by the information indicated below—

1. LAND TAX.

- (i) Information as to the statutory authority under which, and the purpose for which, the land was acquired ;
- (ii) A statement as to the actual amount of consideration required to be paid according to the formal notification of the Registrar of Land Tax (*a*). If a larger sum is proposed to be borrowed, it should be explained how the difference is made up ; and
- (iii) Particulars (in the appropriate official form (*b*)) as to the assessable or rateable value and existing debt of the district.

(*a*) As to the method of procedure necessary for effecting the redemption of land tax, inquiry should be made of the Registrar of Land Tax, Inland Revenue, Somerset House, London, W.C.

(*b*) If the application is made under the Public Health Act, 1875, Form K, No. 2, should be used ; if under the Municipal Corporations Act, 1882, Form K, No. 55 ; and if under the Local Government Act, 1888, Form K, No. 15. See also "FORMS," p. 5.

2. TITHE RENT CHARGES.

- (i) Information as to the statutory authority under which, and the purpose for which, the land was acquired ;
- (ii) A statement as to the actual cost of redeeming the charges and showing how it is arrived at. If a larger sum is proposed to be borrowed, it should be explained how the difference is made up ;
- (iii) Information as to whether an order has been made by the Board of Agriculture and Fisheries (a) under the Tithe Act, 1878 (41 & 42 Vict. c. 42), or whether agreements in accordance with s. 4 of that Act or otherwise have been entered into with the owners ; and
- (iv) Particulars (in the appropriate official form (b)) as to the assessable or rateable value and existing debt of the district.

Period for repayment of loans.—The period usually allowed by the Local Government Board for the repayment of loans for these purposes is the maximum period allowed by the Act under which the land was acquired for a loan for the purchase of the land.

III. DISPOSAL OF LAND.

1. UNDER THE PUBLIC HEALTH ACT, 1875.

Statutory provisions.—The provisions of this Act with respect to the sale of lands by local authorities are contained in s. 175, and with respect to letting in s. 177.

The decision in the case of *Attorney-General v. Hanwell Urban District Council* [L. R. (1900) 1 Ch. 51 ; 69 L. J. Ch. 39 (1900) ; 81 L. T. 504 ; 48 W. R. 69 ; 16 T. L. R. 10 ; 63 J. P. 824] ; affirmed on appeal [L. R. (1900) 2 Ch. 377 ; 69 L. J. Ch. 626 ; 82 L. T. (N.S.) 778 ; 16 T. L. R. 452 ; 48 W. R. 690] in

(a) The powers of the Land Commissioners under the Tithe Act, 1878, were transferred to the Board of Agriculture by the Board of Agriculture Act, 1889 (52 & 53 Vict. c. 30, s. 2 (1), and Schedule I., Part II.).

(b) See footnote (b) on p. 476.

which it was held that the Local Government Board had no power under s. 175 of the Public Health Act, 1875, to direct land to be retained by a local authority for purposes permanently inconsistent with the purposes for which the land was originally acquired, has been modified by s. 95 of the Public Health Acts Amendment Act, 1907, which enacts that notwithstanding anything contained in s. 175 of the Act of 1875 or any general provision in any local Act, any lands acquired by a local authority and not required for the purposes for which they were acquired may be appropriated for any purpose approved by the Local Government Board, subject to any special covenant affecting the use of the lands attached thereto at the time of purchase by the local authority or to any special provision in a local Act affecting the use of the lands. Where the land is to be appropriated for certain specified purposes, the application can only be authorised by the Board after a local inquiry. Section 95 of the Act of 1907 is not, however, in force in any district unless it has been declared in force by an Order of the Local Government Board under s. 3 of the Act.

Sale of land.—The consent of the Local Government Board is not required to the sale of surplus land under the second paragraph of s. 175; and, unless they otherwise direct, the local authority have no alternative but to sell any such land for the best price that can be obtained for it. The sale proceeds must be applied in the manner indicated in the enactment, and the Board have no power to authorise the proceeds to be applied in any other way.

Land which is not surplus within the meaning of the second paragraph of the section can also be sold or exchanged under the first paragraph thereof without any consent on the part of the Local Government Board, and that Board are not empowered to give any direction, which will preclude the sale or exchange of such land.

Letting of land.—An application by a local authority for the consent of the Local Government Board to the letting of

land under s. 177 of the Public Health Act, 1875, should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made ;
- (2) Information as to when, under what statutory authority, and for what purpose the land was acquired ;
- (3) A statement of the circumstances under which the application is made and of the proposals of the local authority (including precise information as to the proposed terms and conditions of letting) ; and
- (4) An assurance that the authority can conveniently spare the premises during the period of the proposed lease.

In regard to the letting of rooms in public buildings, the Local Government Board hold that their consent is not necessary under this section where there is to be no such exclusive occupation of the premises as will constitute the relations of landlord and tenant. As to the letting of land coming within the decision in the case of *Attorney-General v. Teddington Urban District Council*, see p. 480.

Appropriation to other purposes.—Where a local authority propose to appropriate land to some purpose other than that for which it was acquired by them, it should be stated whether s. 95 of the Public Health Acts Amendment Act, 1907, is in force, and, if so, a reference should be given to the Order of the Local Government Board putting it in force. It should also be stated when, for what purpose, under what statutory authority, and out of what funds it was acquired. If the land is affected by the provisions of any local Act or any special covenants attached to the use of the land when purchased, a reference to the provisions of the local Act should be given, and a copy of the conveyance, or so much as relates to the special covenants, should be furnished, together with small site plans in duplicate. If, however, there is independent statutory authority enabling the local authority to appropriate the land to the particular purpose in question, a precise reference to the enactment on which the

authority rely to authorise the proposal should be given. For examples of such provisions in public general statutes reference may be made to s. 12 (2) of the Public Libraries Act, 1892, s. 24 of the Baths and Washhouses Act, 1846, Art. 8 of the Schedule to the Electric Lighting (Clauses) Act, 1899, s. 57 of the Housing of the Working Classes Act, 1890, and s. 1 of the Education (Administrative Provisions) Act, 1907.

In the case of *Attorney-General v. Teddington Urban District Council* (67 L. J. Ch. 28 ; L. R. (1898) 1 Ch. 66 ; 77 L. T. (N.S.) 426 ; 46 W. R. 88 ; 61 J. P. 825), it was held that land acquired by a local authority under the Public Health Act, 1875, for a particular purpose may, in the interval before it is required for such purpose, be used in any lawful manner which does not substantially interfere with its immediate use, when so needed, for the purpose for which it was acquired. Having regard to that decision, the Local Government Board have expressed the opinion that their consent is not necessary to the letting under s. 177 of land which comes within the terms of the decision.

2. UNDER THE MUNICIPAL CORPORATIONS ACT, 1882.

(a) *Disposal of Land.*

Statutory provisions.—The provisions of this Act in regard to the disposal of corporate land by municipal corporations are chiefly contained in ss. 108, 109, 110, 111, 114, 115, 116, and 128.

The general effect of these sections, as modified by s. 72 of the Local Government Act, 1888, is to render necessary the approval of the Local Government Board to the sale, mortgage, or alienation of corporate land and, with certain exceptions, to the leasing of corporate land, and a like approval is required to the appropriation of the sale proceeds.

Practice of Local Government Board.—It is contrary to the practice of the Board to authorise alienations of corporate property for less than the full value of such property, although the purpose may be of a charitable or philanthropic character. They regard such property as held for the benefit not only

of the present ratepayers but those of future years; and, consequently, in their opinion, any alienation of corporate land for less than its full value would involve a permanent loss to the borough.

The approval of the Local Government Board to alienations, etc., of corporate land under the Municipal Corporations Act, 1882, is given by instrument under seal. They do not take part in the actual conveyance in these cases.

As to the practice of the Board with respect to the disposal of monies arising out of such transactions, see p. 484.

Applications to Local Government Board.—An application to the Board for approval of the disposal of corporate land under s. 109 of the Municipal Corporations Act, 1882, as amended by s. 72 of the Local Government Act, 1888, should be embodied in a memorial (on paper of foolscap size) under the corporate seal. No forms are issued by the Board for such memorials.

The memorial should, in the case of a sale, exchange, lease, or appropriation of corporate land, clearly describe the parcel or parcels to which the application relates (*a*); it should state when, under what authority, and for what purpose the land was acquired by the town council (*b*); it should concisely set out the proposals of the council (including precise informations as to the terms and conditions (if any) of the intended sale, exchange, etc.), and the circumstances under which the application is made; and, further, where money will be payable to the council in connection with the transaction, it should state what are the proposals (if any) of the council with regard to the disposal thereof.

The memorial should be accompanied by—

- (1) A copy of the notice given in pursuance of s. 236 of the Act endorsed with a certificate by the town clerk to the effect that the notice has been affixed

(*a*) In some cases, *e.g.* where the application extends to a number of properties, it may be found convenient to set out the properties, names of intended purchasers or lessees, terms, etc., in a schedule in tabular form.

(*b*) If the land formed part of the ancient corporate estate, this should be stated.

to the town hall for one month prior to the date of the application, and that the application itself has been open to public inspection during that period;

- (2) A small plan of the site (on tracing cloth) in duplicate (a)
If corporate land is to be exchanged for other land both parcels of land should be shown in distinctive colours; and
- (3) A valuation of the land by a valuer independent of the town council (b). In the case of an exchange of lands, a separate valuation of the land to be given up and that to be acquired should be furnished

Instruments issued by Local Government Board.—The annual reports of the Board show that many instruments have been issued by them approving of the disposal of corporate land under the Municipal Corporations Act, 1882. The following are some of the purposes for which such instruments have been issued :—

Appropriation of corporate land to purposes of—

Baths.
Cemeteries.
Depôts.
Sites for working-men's dwellings.
Fire stations.
Gravel and sand pits.
Hospitals.
Markets.
New streets.
Open space.
Public walks and pleasure grounds.
Refuse destructor.
Sewage disposal.
Slaughter-houses.
Stables.
Street improvement.
Water supply.

(a) The plan should include sufficient details as to surroundings to clearly identify the land. See also "PLANS," p. 6, especially para. 11.

(b) That is to say, by a person who is not in their employment as an officer.

Exchange of—

Land.

Premises for fee farm rents.

Reversionary interest in corporate land.

Tithe rent charge.

Lease of corporate land.

* *Mortgage of corporate land.*

Sale of—

Fishery rights.

Land.

Leasehold interests in corporate land.

Rent charges and rents (including chief rents, fee farm rents, ground rents, tithe rent charges, etc.).

Rents, royalties, and wayleaves arising from lease of minerals under corporate land.

Reversionary interest in corporate land.

Right of way over corporate land.

A period of three years is usually fixed for the continuance in force of these instruments.

When the transactions authorised have been carried out, full particulars in regard thereto should be furnished to the Local Government Board. In the case of sales, where the instrument directed the investment of the purchase money in Government annuities, the following information should be supplied :—

- (1) The date on which the sale was effected ;
- (2) The date on which the council received the sale proceeds ;
- (3) The amount of the sale proceeds received ; and
- (4) Precise information as to the investment of the sale proceeds, including the date of the investment, the amount of money invested, the description of the stock in which the money has been invested, and the nominal amount of stock purchased.

(b) Transfer of Annuities and disposal of Sale Proceeds.

Statutory provisions.—The provisions of the Municipal Corporations Act, 1882, with reference to the transfer of

annuities by municipal corporations and the disposal of monies received by them in connection with the sale or exchange of corporate land are contained in ss. 113—116.

Practice of Local Government Board.—In approving of the sale of corporate land, it is the practice of the Local Government Board, by a provision in the instrument, to direct as a condition of their approval (but not so as to affect the validity of any sale or to require the purchaser to see to the fulfilment of the condition) that the purchase money shall:—

- (a) within a period not exceeding three months after its receipt be invested in Government annuities in manner provided by s. 113 of the Municipal Corporations Act, 1882, as modified by s. 115 (2) of the Act; or
- (b) be disposed of in such manner as they may hereafter direct; or
- (c) be applied to some purpose specified in the instrument.

The following remarks explanatory of the practice of the Board in dealing with proposals for the application of the proceeds of sales of corporate land or stock appear on p. xlix of their 36th annual report (1906—7):—

“Proposals were also placed before us for the application of the proceeds of the sale of corporate land or stock to meet some immediate outlay for such purposes as the provision of a town hall, the purchase of a site for a police station, and the payment of a contribution towards the cost of a new secondary school. To provide against any diminution of the municipal inheritance in these cases it is our practice, unless there are exceptional circumstances, to require the sum advanced to be repaid within a certain number of years, with interest, from the fund or rate on which the expense would otherwise have fallen. The sums thus repaid, as well as other capital monies payable to corporations in respect of the sale of land or similar transactions, are usually required by our instruments to be invested in Government securities.”

The period allowed for recoupment in the cases referred to is that which would ordinarily be allowed by the Board for the repayment of a loan for such purposes as those contemplated.

Applications to Local Government Board.—Applications to the Board for approval of the transfer of annuities or of proposals to apply the proceeds of the sale of corporate land or stock to some particular purpose should be embodied in a memorial of the town council under the corporate seal. The memorial should be on paper of foolscap size and should in all cases be accompanied by a copy of the notice given in pursuance of s. 236 of the Act endorsed with a certificate to the effect that the notice has been affixed to the town hall for one month prior to the date of the application, and that the application itself has been open to public inspection during that period.

The following instructions should also be observed so far as they are applicable to the proposal :—

1. TRANSFER OF ANNUITIES.

The memorial should specify the precise title of the account, the total amount standing to the credit of the account, the sum to be realised by the transfer, and the purpose to which the money is to be applied. The approval of the Board is given by instrument under their seal, addressed to the chief accountant of the Bank of England in accordance with the provisions of s. 113 (4) of the Act.

These instruments are usually made operative for a period of one year.

When informing the town council of the issue of the instrument, the Local Government Board request the council, in furnishing their broker with instructions for effecting the transfer, to inform him of the date of the instrument under which they are acting, and ask him to communicate this date to the officers of the Bank of England when arranging for the transfer.

2. APPLICATION OF SALE PROCEEDS.

Where it is proposed to apply the sale proceeds in carrying out works, plans and detailed estimates of cost, and information as to the statutory authority under which the works are to be

executed should be furnished; and, if the proceeds are insufficient to meet the entire cost of the works, it should be stated how the remainder is to be met. If the council intend to raise a loan, it would be convenient that application for the loan should be made at the same time; and the further particulars usually required in connection with an application for sanction to a loan for such works as those contemplated should also be supplied.

If the town council desire to apply the proceeds to the repayment of debt, particulars should be given in the appropriate official form as to the debt of the borough, the loan to be repaid being distinguished therein; and it should be stated whether the lenders are willing or can be required to accept repayment at short notice.

Instruments issued by Local Government Board.—The annual reports of the Board show that they have approved of the application of monies received from the sale or exchange of corporate land or from the transfer of Government annuities to the following (among other) purposes:—

- Art galleries.
- Burial grounds.
- Cost of local Act.
- Depôts.
- Improvement of corporate estate.
- Libraries.
- Markets.
- Municipal buildings.
- Museums.
- Purchase of land.
- Redemption of land tax.
- Repayment of loans.
- Scavenging.
- Sewerage.
- Street improvement.
- Water supply.

3. UNDER THE LOCAL GOVERNMENT ACT, 1888.

(a) *Disposal of Land.*

Statutory provision.—Section 64 (3) of the Local Government Act, 1888, enables a county council, with the consent of the Local Government Board, to alienate any land or buildings transferred by that section, or otherwise vested in the council.

* A county council are also empowered under s. 65 (1) of the Act, for the purpose of any of their powers and duties, including those which are to be executed through the standing joint committee, to exchange any lands or any easements or rights over or in land, whether situate within or without the county; and, under s. 177 of the Public Health Act, 1875, as applied by sub-s. (2) of s. 65 of the Act of 1888, to let lands vested in them when they can conveniently spare the same, but subject to the consent of the Local Government Board.

It would appear from the fact that the Local Government Board have issued instruments under s. 64 (3) of the Act of 1888, approving of the exchange of lands by a county council, that they regard an exchange of land as involving an alienation necessitating their consent under the enactment referred to.

Application for consent to alienation of land.—An application to the Local Government Board for their consent under s. 64 (3) of the Local Government Act, 1888, to the alienation of lands or buildings vested in a county council should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made;
- (2) A small plan of the site (on tracing cloth) in duplicate (a);
- (3) Information as to when, under what statutory authority, and for what purpose the land or building was acquired;
- (4) A concise statement of the circumstances under which the application is made and of the proposals of the council (including precise information as to terms);
- (5) A valuation of the property by a valuer independent of the county council. In the case of an exchange of

(a) See also "PLANS," p. 6, especially para. 11.

lands, there should be a separate valuation of the land to be given up and that to be acquired; and

- (6) Information as to the proposals of the council with regard to the disposal of any money which will be payable to them in connection with the transaction. If, however, no definite decision as to the application of the money has been arrived at, this should be stated.

In any case in which it is proposed to alienate militia buildings, a copy of the certificate of the Secretary of State for War that the buildings are no longer required for the purposes of the Militia Forces Localisation Act, 1872 (36 & 37 Vict. c. 84), and authorising the sale of the same should also be forwarded.

Where the application relates to the alienation of lunatic asylum land, it should be stated whether the Secretary of State for the Home Department has been consulted as to the proposal; and a copy of any communication which has been received from the Home Office on the subject should be furnished.

Application for consent to let land.—An application by a county council for the consent of the Local Government Board under s. 177 of the Public Health Act, 1875, as applied by s. 65 (2) of the Local Government Act, 1888, to the letting of land should be accompanied by similar particulars to those indicated on p. 479 as being required in connection with applications by local authorities under the first-mentioned enactment, together with a small site plan (on tracing cloth) in duplicate, or a description of the property to be leased as for the parcels in a conveyance.

Instruments issued by Local Government Board.—Instruments have been issued by the Board under ss. 64 (3) and 65 (2) of the Local Government Act, 1888, for the under-mentioned purposes :—

Exchange of land.

Lease of lands and buildings, including right to take coal.

Sale of lands and buildings, including—

Easements.

Gaols, lock-ups, and police stations.

Leasehold interests.

Lunatic asylum property.

Militia barracks and store-houses.

Toll-houses.

(b) *Disposal of Sale Proceeds.*

Statutory provision.—Section 65 (3) of the Local Government Act, 1888, provides that where a county council, with the consent of the Local Government Board, sell any land, the proceeds of such sale shall be applied in such manner as the said Board sanction towards the discharge of any loan of the council, or otherwise for any purpose for which capital may be applied by the council.

Applications to Local Government Board.—An application by a county council to the Board in pursuance of this enactment should be accompanied by a copy of a resolution of the council directing it to be made and information as to whether the purpose as regards both the property sold and that to which the sale proceeds are to be applied is a general or a special county purpose.

Attention is also drawn to the instructions and observations on p. 484 with respect to the applications of the proceeds of the sale of corporate land or stock which apply to like proposals of county councils.

Instruments issued by Local Government Board.—Instruments have been issued by the Board under s. 65 (3) of the Local Government Act, 1888, consenting to the application by county councils of sale proceeds to the under-mentioned purposes:—

Cost of enfranchisement.

County buildings (including shire halls, county offices, etc.).

Land for various purposes.

Lock-ups.

Lunatic asylums.

Main roads, improvement of.

Petty sessions courts.

Police stations and police residences.

Repayment of loans.

Stock (including purchase and redemption).

4. UNDER THE LOCAL GOVERNMENT ACT, 1894.

Powers of parish council.—The powers possessed by a parish council under the Local Government Act, 1894, with respect to the sale, exchange, and letting of land and buildings are derived from ss. 6 (1) (d) and 8 (2) of that Act, and s. 11 of the Allotments Act, 1887, as adapted for the purposes of s. 9 of the Local Government Act, 1894, by the General Order of the Local Government Board dated 22nd May, 1895.

By virtue of s. 6 (1) (d) of the Act of 1894 a parish council are vested with the powers formerly exercisable with the approval of the Local Government Board by the board of guardians for the poor law union comprising the parish in respect of the sale, exchange, or letting of any parish property.

Under s. 8 (2), a parish council may let, or, with the consent of the parish meeting, sell or exchange, any land or buildings vested in the council, but the power of letting for more than a year and the power of sale or exchange is not to be exercised, in the case of property which has been acquired at the expense of any rate, or was at the passing of the Act applied in aid of any rate, or would but for want of income be so applied, without the consent of the Local Government Board, or in any other case without such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1891, for the sale of charity estates, except that the consent or approval required under those Acts is not to be required for the letting for allotments of land vested in the parish council.

Application for consent to sale, etc., under s. 6 (1) (d).—The powers of the guardians which a parish council obtained under this paragraph are those conferred by s. 8 of the Union and Parish Property Act, 1835. The Local Government Board usually require all parish property in existence before the

passing of the Act of 1894 to be sold under these provisions, rather than under s. 8 (2). Upon application to them the Board will forward preliminary sale forms, which should be carefully filled up and returned to them. If the Board decide that the matter may proceed, they furnish the requisite forms for convening a parish meeting, and, if the consent of the meeting is obtained, subsequently issue an order authorising the sale.

Applications for consent to sale, etc., under s. 8 (2).—An application by a parish council for the consent of the Local Government Board under s. 8 (2) of the Local Government Act, 1894, to the sale, exchange, or letting of land should be accompanied by :—

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) Information as to when, under what authority, and for what purpose the land was acquired by or became vested in the parish council.
- (3) A small site plan (on tracing cloth) in duplicate (a) ;
- (4) A full statement of the proposals of the council and the circumstances under which the proposal is made.

In the case of a proposed sale of land to which the General Order dated 22nd May, 1895, applies, it should be stated whether the provisions of ss. 128 *et seq.* of the Lands Clauses Act, 1845 (relating to rights of pre-emption), have been satisfied, and, if so, with what result.

Disposal of sale proceeds, etc.—With regard to the application of the proceeds of sale of parish property carried out under s. 3 of the Union and Parish Property Act, 1835, as applied by s. 6 (1) (d) of the Act of 1894, the first-named section requires that the money shall be applied for the "permanent" advantage of the parish, and the Local Government Board are inclined to scrutinise closely the proposals of a parish council, and will only authorise the appropriation for defraying the cost of works which are really permanent. If a parish council are unable to make a proposal to so utilise the

(a) See also "PLANS," p. 6, especially para. 11.

money, the Board usually direct its investment in consols, or its deposit in the Post Office Savings Bank.

With regard to the disposal of money received by the parish council in connection with the sale or exchange of superfluous lands to which, by virtue of s. 9 (13) of the Act of 1894, s. 11 of the Allotments Act, 1887, as adapted by the General Order above referred to applies, that Order requires that any money received by a parish council from the sale or exchange must be applied in discharging, either by way of a sinking fund or otherwise, the debts and liabilities of the council in respect of such land or for any purpose for which capital money may be applied and which is approved by the Local Government Board. It is only, therefore, where such money is not to be applied in discharge of the debts and liabilities referred to that the approval of the Board is required to the application of the money. In such cases definite proposals with respect to the application of the money should be submitted, together with plans and detailed estimates of the cost of any works contemplated.

5. UNDER THE LONDON GOVERNMENT ACT, 1899.

Statutory provision.—Section 6 (5) of the London Government Act, 1899, enables a borough council, with the consent of the Local Government Board, to alienate any land for the time being vested in the council, and provides that the proceeds of the sale of any land sold by the council shall be applied in such manner as the Local Government Board sanction towards the discharge of any loan of the council or otherwise for any purpose for which capital may be applied by the council.

Applications to Local Government Board.—An application for the consent of the Board under this enactment to the alienation of land by a metropolitan borough council should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) Information as to when, under what statutory authority, and for what purpose the land was acquired ; and

whether the cost of the purchase was defrayed out of a loan. If the land was purchased under the Act 57 Geo. III. c. 29, s. 80, it should be stated whether the provisions of s. 96 of that Act relating to rights of pre-emption have been satisfied, and, if so, with what result. If the land was purchased under the Metropolis Management Act, 1855, it should be stated whether the right of pre-emption was reserved by the vendor under the provisions of s. 155 of that Act, and, if so, whether the requirements of ss. 128 *et seq.* of the Lands Clauses Act, 1845, have been satisfied ;

- (3) A statement of the proposals of the council (including precise information as to the terms, etc., of the intended alienation) and of the circumstances under which the application is made ;
- (4) A small site plan (on tracing cloth) in duplicate (a) ;
- (5) A valuation of the property by a valuer independent of the borough council. In the case of an exchange of lands, there should be a separate valuation of the land to be given up and that to be acquired ; and
- (6) Where land is to be sold, the proposals of the council with respect to the application of the sale proceeds.

In connection with proposals in regard to the disposal of the proceeds of the sale of land under this enactment, the instructions on pp. 485, 486, with respect to similar applications by municipal corporations should be followed so far as they are applicable.

(a) See also "PLANS," p. 6, especially para 11.

money, the Board usually direct its investment in consols, or its deposit in the Post Office Savings Bank.

With regard to the disposal of money received by the parish council in connection with the sale or exchange of superfluous lands to which, by virtue of s. 9 (13) of the Act of 1894, s. 11 of the Allotments Act, 1887, as adapted by the General Order above referred to applies, that Order requires that any money received by a parish council from the sale or exchange must be applied in discharging, either by way of a sinking fund or otherwise, the debts and liabilities of the council in respect of such land or for any purpose for which capital money may be applied and which is approved by the Local Government Board. It is only, therefore, where such money is not to be applied in discharge of the debts and liabilities referred to that the approval of the Board is required to the application of the money. In such cases definite proposals with respect to the application of the money should be submitted, together with plans and detailed estimates of the cost of any works contemplated.

5. UNDER THE LONDON GOVERNMENT ACT, 1899.

Statutory provision.—Section 6 (5) of the London Government Act, 1899, enables a borough council, with the consent of the Local Government Board, to alienate any land for the time being vested in the council, and provides that the proceeds of the sale of any land sold by the council shall be applied in such manner as the Local Government Board sanction towards the discharge of any loan of the council or otherwise for any purpose for which capital may be applied by the council.

Applications to Local Government Board.—An application for the consent of the Board under this enactment to the alienation of land by a metropolitan borough council should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) Information as to when, under what statutory authority, and for what purpose the land was acquired ; and

whether the cost of the purchase was defrayed out of a loan. If the land was purchased under the Act 57 Geo. III. c. 29, s. 80, it should be stated whether the provisions of s. 96 of that Act relating to rights of pre-emption have been satisfied, and, if so, with what result. If the land was purchased under the Metropolis Management Act, 1855, it should be stated whether the right of pre-emption was reserved by the vendor under the provisions of s. 155 of that Act, and, if so, whether the requirements of ss. 128 *et seq.* of the Lands Clauses Act, 1845, have been satisfied ;

- (3) A statement of the proposals of the council (including precise information as to the terms, etc., of the intended alienation) and of the circumstances under which the application is made ;
- (4) A small site plan (on tracing cloth) in duplicate (a) ;
- (5) A valuation of the property by a valuer independent of the borough council. In the case of an exchange of lands, there should be a separate valuation of the land to be given up and that to be acquired ; and
- (6) Where land is to be sold, the proposals of the council with respect to the application of the sale proceeds.

In connection with proposals in regard to the disposal of the proceeds of the sale of land under this enactment, the instructions on pp. 485, 486, with respect to similar applications by municipal corporations should be followed so far as they are applicable.

(a) See also "PLANS," p. 6, especially para. 11.

PART XXXIII.—LIBRARIES.*

Statutory provisions.—The principal provisions of the general law relating to the provision and management of public libraries in England and Wales are contained in the Public Libraries Acts, 1892 to 1901, which included the—

PUBLIC LIBRARIES ACT, 1892 (55 & 56 Vict. c. 53);

PUBLIC LIBRARIES (AMENDMENT) ACT, 1893 (56 Vict. c. 11);
and

PUBLIC LIBRARIES ACT, 1901 (1 Edw. 7, c. 19).

The LIBRARIES OFFENCES ACT, 1898 (61 & 62 Vict. c. 53), makes provision for the punishment of offences in libraries established under the Public Libraries Acts.

Under these Acts, which are only in force in districts for which they have been adopted, a library authority have power, subject to the restrictions in the Acts as to expenditure, to provide public libraries, public museums (*a*), schools for science, art galleries, and schools for art, and for that purpose to purchase and hire land, erect, take down, rebuild, alter, repair, and extend buildings, and fit up, furnish, and supply the same with all requisite furniture, fittings, and conveniences (55 & 56 Vict. c. 53, s. 11 (1)). They may also provide books, newspapers, maps, and specimens of art and science (*ib.* s. 15 (1)); and make byelaws for regulating the use of such buildings (1 Edw. 7, c. 19, s. 3). Further, the Act of 1892 empowers them to borrow money for the purposes of the Public Libraries Acts with the sanction of the Local Government Board (s. 19); and, with the like sanction to appropriate, sell, and exchange lands vesting in them (s. 12 (2), (3)). The maximum rate which may be levied for the purposes of these Acts must not (except in the City of London) exceed one penny in the pound

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 266—269; vol. iv. pp. 109—135.

(*a*) As to the provision of public museums, see also Part XLII., "Museums and Gymnasiums."

in any financial year, save so far as any expenses may be incurred by a town council or urban district council in the repair of damage to a building caused by subsidence; but, within the limits prescribed by s. 2 (2) of the Act of 1892, the limitation of rate may be fixed, raised, or removed by a resolution of an urban authority (55 & 56 Vict. c. 53, ss. 2, 21 (4); 56 Vict. c. 11, s. 2 (1); 1 Edw. 7, c. 19, s. 10). In this connection, it may be mentioned that some local authorities have obtained an extension of the rating limit beyond one penny in the pound by means of local Acts.

Adoption of Public Libraries Acts.—Section 1 of the Public Libraries Act, 1892, provides that the Act shall extend to every library district for which it is adopted, and that every urban district and every rural parish shall be a library district; and, by virtue of ss. 21 and 22 of that Act as extended and applied by s. 4 of the London Government Act, 1899, and s. 13 of the Public Libraries Act, 1901, the City of London and each metropolitan borough is a library district.

The library authority, where the Public Libraries Acts have been adopted, will be as follows:—

ADMINISTRATIVE COUNTY OF LONDON—

The common council of the City of London and the Metropolitan borough councils.

URBAN DISTRICTS—

The town council or urban district council.

RURAL PARISHES—

The parish council, where the parish has such a council. In other cases, it would apparently be necessary to appoint commissioners in pursuance of s. 5 of the Public Libraries Act, 1892, unless the powers of a parish council for the execution of the Public Libraries Acts were conferred on the parish meeting by the county council under s. 19 (10) of the Local Government Act, 1894.

I. Adoption in Urban Districts.

The procedure for the adoption of the Acts in urban districts (including the City of London and the metropolitan boroughs) is regulated by ss. 2 and 3 of the Public Libraries (Amendment) Act, 1893.

Under these provisions the Acts are adopted by a resolution of the urban authority passed in the manner prescribed by the Act.

A copy of the resolution is required to be sent to the Local Government Board.

When the copy of the resolution is sent to the Board, it should be accompanied by the under-mentioned particulars in proof of due compliance with the statutory requirements:—

1. A copy of the special notice referred to in sub-s. (1) of s. 3 of the Act of 1893, endorsed as to date and mode of service;
2. A copy of the newspaper or newspapers containing the advertisement of the resolution in accordance with sub-s. (2); and
3. A copy of the notice of the resolution given under sub-s. (2), endorsed with a certificate that the notice was affixed to the principal doors of every church and chapel in the district, in the place to which notices are usually fixed, and stating in what other way (if any) notice of the resolution was given.

In framing the resolution adopting the Public Libraries Acts, care should be taken to comply with the requirement in the latter part of sub-s. (2) of s. 3 of the Act of 1893, as to the date to be fixed for the operation of the resolution.

By s. 8 of the Act of 1901, the library authority, on the adoption of the Act of 1892, are required to forthwith give notice in writing of such adoption to the Local Government Board.

II. Adoption in Rural Districts.

In a rural parish, the proceedings for the adoption of the Public Libraries Act, 1892, are governed by ss. 7, 45, and 51,

and the Rules contained in Part One of the First Schedule to the Local Government Act, 1894, and the General Orders of the Local Government Board prescribing rules under s. 48 of that Act for the taking of polls consequent upon demands made at parish meetings. The Public Libraries Act, 1892, cannot be adopted for part only of a parish.

By virtue of s. 7 (1) of the Local Government Act, 1894, the parish meeting have, *exclusively*, the power of adopting the Public Libraries Act, 1892, in every rural parish.

A requisition by ten or more parochial electors under s. 3 (1) of the Public Libraries Act, 1892, is not necessary to enable a parish meeting to be held to consider a proposal for the adoption of that Act. A parish meeting for this purpose may be convened by the chairman of the parish council, or any two parish councillors, or the chairman of the parish meeting (where the parish has not a parish council), or any six parochial electors in accordance with the provisions of sub-s. (3) of s. 45 of the Local Government Act, 1894.

By Rule (3) of Part One of the First Schedule of the last-mentioned Act, *not less than 14 days' notice* must be given of any parish meeting to consider the adoption of any of the adoptive Acts (which include the Public Libraries Act, 1892).

A bare majority only of those voting on the question is necessary to the adoption; and the decision of the parish meeting will be final, unless a poll is demanded before the conclusion of the meeting (Rule (6)). Rule (7) provides (*inter alia*) that a poll may be demanded by any one parochial elector in the case of a resolution respecting the adoption of any of the adoptive Acts.

In the event of a poll being demanded, it must be conducted in accordance with the General Order of the Local Government Board, dated February 5th, 1895 (*if the parish has a parish council*), or with that dated November 15th, 1894 (*if the parish has not a parish council*).

The consent or approval of the Local Government Board is not necessary to the adoption of the Public Libraries Act, 1892, but they require to be satisfied, in all cases in which it is proposed to borrow money with their sanction for the purpose

of that Act, that the Act has been properly adopted. As to the particulars which should be furnished to the Board to satisfy them on this point, see *post*.

Operation of the Acts in London.—By the “Adoptive Acts Scheme, 1900,” made by the commissioners appointed by the committee of the Privy Council under the London Government Act, 1899, it was provided that, as from the appointed day referred to in that Act, the Public Libraries Acts, 1892 and 1893, should be in force :—

I. THROUGHOUT THE FOLLOWING METROPOLITAN BOROUGHs :

Battersea.	Hampstead.	Shoreditch.
Camberwell.	Kensington.	Southwark.
Chelsea.	Lambeth.	Stepney.
Fulham.	Poplar.	Stoke Newington.
Hammersmith.		

II. IN PARTS ONLY OF THE UNDERMENTIONED METROPOLITAN BOROUGHs :

Borough.	Parishes in which Acts were to be in force.
Bermondsey .	{ Bermondsey.
	{ Rotherhithe.
Finsbury .	{ St. James and St. John, Clerkenwell.
	{ St. Sepulchre.
	{ Glasshouse Yard.
	{ Ely Place.
	{ Ely Rents.
	{ Hatton Garden.
Holborn .	{ Saffron Hill.
	{ St. Andrew, Holborn above Bars.
	{ St. George, Bloomsbury.
	{ St. George the Martyr.
	{ St. Giles in the Fields.
Lewisham .	{ Lewisham.
	{ Clapham.
Wandsworth .	{ Putney.
	{ Streatham.
	{ Wandsworth.
	{ St. George, Hanover Square.
Westminster .	{ St. Margaret and St. John, Westminster.
	{ St. Martin in the Fields.
	{ St. Paul, Covent Garden.
Woolwich .	{ Plumstead.
	{ Woolwich.

The scheme further declared the Acts not to be in force in any part of the metropolitan boroughs of Bethnal Green, Deptford, Greenwich, Hackney, Islington, St. Marylebone, and St. Pancras. It was, however, provided by Art. 7 of the scheme that nothing therein should affect the power under s. 4 of the London Government Act, 1899, of adopting in the future any of the Adoptive Acts in the whole or any part of any metropolitan borough.

The Public Libraries Acts, at the end of 1907, were in force in the whole of twenty-four metropolitan boroughs, viz.: Battersea, Bermondsey, Camberwell, Chelsea, Deptford, Fulham, Greenwich, Hackney, Hammersmith, Hampstead, Holborn, Islington, Kennington, Lambeth, Lewisham, Poplar, St. Pancras, Shoreditch, Southwark, Stepney, Stoke Newington, Wandsworth, Westminster, and Woolwich, and in parts of two others, viz.: Finsbury and Paddington. There were, consequently, only two such boroughs in which the Acts were not in force at that date in any part thereof, viz.: Bethnal Green and St. Marylebone.

Borrowing powers.—The power to borrow money possessed by local authorities (other than parish councils) for the purposes of the Public Libraries Acts, 1892 to 1901, where these Acts are in force, is derived from s. 19 of the Act of 1892, which applies the borrowing powers of the Public Health Act, 1875, and makes the borrowing subject to the sanction of the Local Government Board.

The parish council of a parish in which the Public Libraries Act, 1892, has been adopted, are empowered to borrow money for the purposes of the Public Libraries Act by s. 12 of the Local Government Act, 1894. Under that section, the consents of the county council and the Local Government Board are necessary to the borrowing; and the consent of the parish meeting to the incurring by the parish council of expenses or liabilities which will involve a loan is also required in pursuance of s. 11 of that Act. The provisions of these sections are dealt with on pp. 129 and 130.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of the Public Libraries Acts are—

LAND (purchase of freehold)	.	.	.	60 years.
BUILDINGS	.	.	.	30 „
FURNITURE and FITTINGS	.	.	.	15 „
BOOKS	.	.	.	5 „

Applications for sanction to loans.—I. LIBRARY AUTHORITIES (OTHER THAN PARISH COUNCILS).—An application by a library authority (other than a parish council) for the sanction of the Local Government Board to the borrowing of money for the purposes of the Public Libraries Acts, should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (a) ;
- (2) Plans, sections, and elevations of the proposed building (b) ;
- (3) A certificate by the borough or district surveyor that the plans comply with the byelaws (if any) as to buildings in force in the district, or with the provisions of the London Building Acts (as the case may be) ;
- (4) A detailed estimate (c) of the cost of the scheme, together with a priced list of any furniture to be provided ;
- (5) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the authority, it should be stated when, under what statutory authority, and for what purpose the land was acquired. If it was purchased by means of a loan, particulars as to the loan should be supplied ;
- (6) A statement (in the form of a balance sheet) of the estimated annual receipts and expenditure for the

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

(c) See also "ESTIMATES," p. 4.

purposes of the Public Libraries Acts, if the scheme is carried out.

NOTE.—The statement should show on the receipt side the estimated income from all sources (including the proceeds of the rate which the authority are empowered to levy) and on the expenditure side all outgoings (including the annual charge in respect of the proposed loan, if sanctioned). In estimating such charge, the periods mentioned on p. 500, should be taken.

- (7) Particulars (in Form K, No. 44 (a)), as to the existing debt of the district for the purposes of the Public Libraries Acts; and
- (8) Proofs of the due adoption of the Public Libraries Acts, unless these have already been supplied to the Board, in which case the fact should be stated, and the date on or about which they were sent should be mentioned.

NOTE.—If the proceedings for the adoption of the Act were taken under s. 2 of the Public Libraries (Amendment) Act, 1893, the particulars mentioned on p. 496 should be forwarded.

In other cases, that is, where the Acts were adopted prior to the passing of the Public Libraries (Amendment) Act, 1893, the following documents should be furnished:—

- (i) The requisition of voters requiring that the opinion of the voters in the district should be ascertained with respect to the adoption of the Acts, endorsed as to the date of its receipt;
- (ii) A copy of the voting-paper used; and
- (iii) A statutory declaration (duly stamped with a half-crown impressed stamp) proving that all the requirements of the Acts for ascertaining the opinion of the voters have been complied with and that the result of the poll was in favour of the adoption of the Acts.

II. PARISH COUNCILS.—An application to the Local Government Board by a parish council for consent to borrow money for the purposes of the Public Libraries Acts, should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (*a*) ;
- (2) A copy of the resolution of the parish meeting (signed by the chairman) consenting to the parish council incurring the expenses or liabilities for which the loan is required. If a poll was demanded, the result should be stated ;
- (3) A copy of the document conveying the consent of the county council to the loan ;
- (4) Plans, sections, and elevations of the proposed building (*b*) ;
- (5) A detailed estimate (*c*) of the cost of the scheme, together with a priced list of any furniture to be provided ;
- (6) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the parish council, it should be stated when, under what statutory or other authority, and for what purpose the land was acquired ;
- (7) A statement (in the form of a balance-sheet) of the estimated annual receipts and expenditure for the purposes of the Public Libraries Acts, if the scheme is carried out (*d*) ;
- (8) Particulars (in Form K, No. 100 (*e*)), as to the rateable value and existing debt of the parish ; and
- (9) Proofs of the due adoption of the Public Libraries Acts by the parish meeting. These should comprise—

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.

(*d*) See also the remarks on p. 501 as to what this statement should include.

(*e*) See also "FORMS," p. 5.

- (a) A copy of the notice convening the parish meeting, endorsed with a certificate to the effect that the notice has been published in accordance with the requirements of s. 51 of the Local Government Act, 1894, and that it was published not less than fourteen days before the date of the parish meeting;
- (b) A copy of the resolution passed by the parish meeting (signed by the chairman); and
- (c) Information as to the number of parochial electors who voted for the resolution and the number who voted against it.

If a poll was demanded on the question whether the Act should be adopted, it should be stated—

- (i) Whether the requirements of the General Order of the Local Government Board, dated 5th February, 1895, as to polls were complied with; and
- (ii) What number of votes were given for the adoption and what number against it.

Appropriation of land.—By ss. 12 (2) and 23 of the Act of 1892, the consent of the Local Government Board is required to the appropriation of land for library purposes by a town council, urban district council, or metropolitan borough council.

An application for the sanction of the Local Government Board to the appropriation of land under either of the enactments referred to should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made;
- (2) A small site plan (on tracing cloth) in *duplicate*, showing by colour the precise area to be appropriated (a);

NOTE.—The plan should include sufficient surroundings to clearly indicate the situation of the land, and it should give the superficial area of the site.

(a) See also "PLANS," p. 6, especially paragraph (11).

- (3) Particulars as to when, under what statutory authority, and for what purpose the land was acquired, and why it is no longer needed for such purpose. If it was purchased by means of a loan, particulars as to the loan should be supplied; and
- (4) Information as to when the Public Libraries Acts were adopted.

If it is proposed to raise a loan for the erection of a building on the site, it would seem desirable that the application for sanction to the loan should be made at the same time.

Sale and exchange of land.—An application for the sanction of the Local Government Board to the sale or exchange of land under s. 12 (3) of the Act of 1892 should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made;
- (2) A plan (on tracing cloth) in *duplicate* of the land proposed to be sold or exchanged and, in the case of an exchange, showing also the land to be conveyed to the authority (*a*);
- (3) Information as to when, out of what funds, under what statutory authority, and for what particular purpose the land was acquired;
- (4) A valuation by a valuer independent of the authority of the land to be sold or exchanged, and, in the latter case, of the land to be conveyed to the authority also;
- (5) A statement of the grounds on which the application is made; and
- (6) Full particulars of the proposals of the authority (including plans and a detailed estimate of cost of any works contemplated) with respect to the disposal of the money arising from the sale or exchange.

Byelaws.—The following remarks should be read in conjunction with the general instructions on p. 200 *et seq.*, as

(a) See also "PLANS," p. 6, especially the paragraph numbered (11).

to the manner in which applications should be made to the Local Government Board for the confirmation or allowance of byelaws and regulations.

Section 3 of the Public Libraries Act, 1901, enables a library authority to make byelaws for all or any of the purposes set out in the section relating to any library, museum (a), art gallery, or school, under their control.

The confirmation of the Local Government Board is required to the making of byelaws under this enactment in pursuance of s. 184 of the Public Health Act, 1875, which is incorporated with the Act of 1901.

The Board have prepared model byelaws dealing with the matters referred to, but these have not been placed on sale.

- Copies of the draft model form for submitting proposed byelaws to the Board for their preliminary approval are supplied on request.

When submitting the draft byelaws for the Board's preliminary approval, it should be stated when the Public Libraries Acts were adopted.

Parliamentary and other papers.—The following are the principal returns which have been issued in relation to public libraries :—

RETURN (b) prepared by the Home Office showing the names of all places in England, Scotland, and Ireland, in which the Public Libraries Acts had been adopted prior to 25th March, 1890, with tables showing for each place, its population according to the census of 1881; the date of adoption; date of opening the library and branches (if any); date of opening museum and art gallery (if any); number of volumes in reference library, lending library, and branches on 25th March, 1890, number of volumes issued in the year ended on that day; average daily attendance in reading rooms;

(a) As to the making of byelaws with respect to museums provided under the Museums and Gymnasiums Act, 1891, see Part XLII.

(b) A parliamentary paper, which may be obtained in the usual way (see Part XLVI.).

and income and expenditure during that year, distinguishing income from other sources than public rate (if any).—MR. LENG. [No. 5 (1890—1) in continuation of No. 106 (1884—5).]

RETURN (a) relating to all public libraries and museums established by parishes and districts in the administrative county of London. November, 1899. [*Price* 1s. 9d. (No. 451).]

(a) A London County Council return, which can be purchased from P. S. King & Son, Great Smith Street, Westminster, S.W.

PART XXXIV.—LOCAL GOVERNMENT ACT, 1894, s. 33.*

APPLICATIONS BY LOCAL AUTHORITIES TO THE
LOCAL GOVERNMENT BOARD FOR ORDERS
CONFERRING POWERS UNDER THE LOCAL
GOVERNMENT ACT, 1894.

Statutory provision.—Under s. 33 of the above-mentioned Act, town councils and urban district councils outside London and the common council of the city of London and metropolitan borough councils as regards areas in the administrative county of London may apply to the Local Government Board for orders conferring on them or some other representative body within the borough or district powers with respect to the appointment of overseers and assistant overseers, the revocation of appointment of assistant overseers, and any powers, duties, or liabilities of overseers and of a parish council.

Powers conferred.—The Local Government Board state that the powers beyond those of appointing overseers and assistant overseers and of revoking the appointment of assistant overseers which have been applied for and obtained by councils under s. 33 of the Local Government Act, 1894, include (among other provisions) those mentioned in ss. 5 (2) (c), 6 (1) (a), (b) as to closed churchyards, and (c) (i) and (iii), s. 8 (1) (g), (h), (i), and (k), s. 13 (2), s. 14 and s. 17 (8) of the Act. In several cases the powers of the Vestry under ss. 3 and 4 of the Poor Rate Assessment and Collection Act, 1869, have been applied for and transferred apart from the other powers of the vestry which pass under s. 6 (1) (a) of the Act of 1894.

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 234—244, vol. iv. p. 253. "Encyclopædia of Forms and Precedents," vol. iv. pp. 12—36, vol. vii. 134—206. Macmorran and Dill's "Local Government Act, 1894," fourth edition.

General instructions.—An application to the Local Government Board for powers under s. 33 of the Act of 1894 should be accompanied by a copy of a resolution of the authority directing it to be made, together with a statement setting out the powers desired and the sections and sub-sections of the Act which confer the powers, and giving the reasons why each power is applied for.

As regards applications for any powers, duties, or liabilities of overseers, it may be pointed out that the Local Government Board do not consider that they can properly confer by an order under s. 33 any powers of overseers which are not by the Act transferred to parish councils. A statement should accordingly be furnished, in connection with any application for such powers, specifying which of the particular powers of overseers among those mentioned in s. 6 (1) (c) of the Act are desired, and information in Form III. (No. 82 C) as to the civil parishes and wards (if any) in the borough or district and as regards the appointment of overseers should also be forwarded (a).

With regard to applications for any powers, duties, or liabilities of a parish council, the authority should consider, with respect to each provision of the Act conferring powers on a parish council, whether they do not already possess sufficient powers for the purpose under other enactments, and should limit their application to cases where their existing powers are insufficient for the purpose in view, and where the particular powers sought are really required.

Special notes.—The following notes should be read in conjunction with the general instructions above.

APPOINTMENT OF OVERSEERS.—Information should be furnished in Form I. (No. 27 C) as to the poor law parishes comprised in the borough or district and as to the appointment of overseers (a).

(a) Copies of this Form are supplied by the Board on request.

APPOINTMENT, AND REVOCATION OF APPOINTMENT, OF ASSISTANT OVERSEERS.—Information should be furnished in Form II. (No. 298a B) as to the poor law parishes comprised in the borough or district and as to the authority under which the assistant overseers and collectors of poor rates are at present appointed (a).

Whenever application is made for power to appoint assistant overseers, application should also be made for power to revoke the appointment of such officers.

It is the practice of the Local Government Board to insert in their orders conferring these powers a saving for any existing assistant overseer in office. The Board point out that the effect of this, in the case of an assistant overseer appointed by the vestry and the justices, is that his appointment will only be revocable by the vestry, and that his duties and salary can only be altered by the same body.

SECTIONS 5 (2) (c), 6 (1) (c) (iii), AND 6 (1) (d) in relation to PARISH PROPERTY.—It should be definitely stated (a) what property there is to which these provisions would apply, and (b) when and how such property was acquired. It should also be stated, if practicable, whether the property has formed the subject of correspondence between the overseers and the Local Government Board, or their predecessors the Poor Law Board and the Poor Law Commissioners.

An authority, in applying for the powers of a parish council in relation to parish property, should consider whether their application should not extend to all the provisions referred to.

SECTION 6 (1) (a) in regard to the POWERS, DUTIES, AND LIABILITIES OF THE VESTRY OF THE PARISH transferred to the parish council.—In conferring powers under this sub-section, it is the practice of the Board to except such powers of the vestry as relate to any assistant overseer appointed by the justices, or any vestry clerk, or to charities. As regards a vestry clerk, the Board point out that a parish council cannot appoint a vestry clerk, and hence the power to make such an appointment could not be transferred to an urban council; whilst, as regards charities, they are willing to consider an application

(a) Copies of this Form are supplied by the Local Government Board on request.

for all or any of the powers of a parish council under s. 14 of the Act.

SECTION 6 (1) (b) as to CLOSED CHURCHYARDS.—A statement should be furnished showing what civil parishes are comprised in the borough or district, and what churchyards have been closed by Orders in Council in each parish.

It will be observed that this enactment applies only to closed churchyards and not to other burial grounds, and that the obligations of the churchwardens would not attach to the council unless or until the churchwardens, subsequently to the powers being conferred on the council by the order of the Local Government Board, give a certificate under s. 18 of the Burial Act, 1855, in order to obtain the repayment of their expenses out of the poor rate.

SECTION 6 (1) (c) (ii) which transferred to the parish council the POWERS, etc., OF OVERSEERS OR OF CHURCHWARDENS AND OVERSEERS OF THE PARISH with respect to the provision of PARISH BOOKS AND OF A VESTRY ROOM OR PAROCHIAL OFFICE, PARISH CHEST, FIRE-ENGINE, FIRE-ESCAPE, OR MATTERS RELATING THERETO.—The precise reasons for the proposed transfer of powers as regards each of the purposes mentioned should be stated; and, as regards the provision of a parish chest, it should be stated whether a depository has been provided under s. 2 of the Parochial Offices Act, 1861 (24 & 25 Vict. c. 125). With respect to the provision of a fire-engine and fire-escape, these powers are not needed by a town council or urban district council, such council having ample powers for these purposes under the Public Health Act, 1875, and the incorporated provisions of the Town Police Clauses Act, 1847.

SECTION 6 (i) (c) (iii) as to VILLAGE GREENS AND ALLOTMENTS.—It should be stated (a) what civil parishes are comprised in the district; (b) to what village green or allotment the application has reference; and (c) what rights the overseers or churchwardens and overseers have over such village green or allotment. The authority should consider the desirability of extending their application to s. 8 (1) (d) of the Act.

SECTION 6 (4) as to ALLOTMENT WARDENS.—It should be

stated in what respects the authority consider the powers which they possess under ss. 6 and 13 of the Allotments Act, 1887, to be insufficient. This provision was amended in certain respects by s. 47 (4) and the Second Schedule of the Small Holdings and Allotments Act, 1907.

SECTION 8 (1).—This sub-section confers on parish councils a number of additional powers, but applications for any of these powers should be limited to the particular paragraphs which confer the powers actually required; and, before making the application, the authority should consider the question of the sufficiency of the powers already possessed by them.

The following remarks deal at length with some of the paragraphs of the subsection :—

Para. (a) and (b).—Full particulars of the proposals of the authority should be submitted; and it should be stated in what respect the existing powers of the authority are insufficient for the purpose. In the case of an authority outside London the provisions of ss. 197, 175, and 164 of the Public Health Act, 1875, should be considered. In cases in which the authority require the powers for some purpose outside the scope of their existing powers, they should consider the expediency of extending their application to para. (i).

Para. (c).—A local authority (outside London) should consider the sufficiency of their powers under s. 26 (2) of the Act and the Commons Acts, 1876 and 1899.

Para. (d).—The remarks under s. (6) (1) (c) (iii) as to village greens and allotments will apply.

Para. (e).—A local authority (outside London) should consider their powers under s. 51 *et seq.* of the Public Health Act, 1875; and a metropolitan borough council should consider the provisions of s. 51 of the Public Health (London) Act, 1891, and s. 150 of the Metropolis Local Management Act, 1855.

Para. (f).—A local authority (outside London) should consider their powers under s. 91 *et seq.* of the Public Health Act, 1875; and a metropolitan borough council the provisions of s. 2 *et seq.* of the Public Health (London) Act, 1891.

Para. (g).—A local authority (outside London) should consider their powers under ss. 154 and 175 of the Public Health

Act, 1875, in connection with the definition of "street" in s. 4 of that Act; and it should be stated in what respects these powers are regarded as insufficient for the purpose in view. A metropolitan borough council should consider the provisions of s. 72 of the Metropolis Management (Amendment) Act, 1862, and s. 150 of the Metropolis Management Act, 1855.

It may be found desirable in some cases to extend the application for the powers of this paragraph to paras. (i) and (k).

Para. (h).—The precise reasons for desiring these powers should be stated, and the application should extend to para. (i).

SECTION 14 ("Public property and charities").—It should be stated whether all the powers of the section are desired or only those of certain sub-sections; and in the latter case these should be specified in the resolution of the authority. Information should also be furnished in Form III. (No. 84 C) (a) as to the civil parishes and wards (if any) in the borough or district (a).

SECTION 17 (8) in regard to the custody of parish documents.—An application for the powers of this sub-section should extend to the powers of the vestry under s. 6 of the 58 Geo. III. c. 69, which are among those transferred to parish councils by s. 6 (1) (a) of the Act.

(a) Copies of the Form are supplied by the Local Government Board on request.

PART XXXV.—LOCAL INQUIRIES.*

Practice of Local Government Board.—It would appear to be the general practice of the Local Government Board before deciding upon applications made to them by local authorities for their sanction to the borrowing of money, for the issue of Orders, and as regards other matters in respect of which their approval, consent, or sanction is required, to direct a local inquiry to be held on the subject by one of their inspectors, at which all persons interested in the matter of the application may attend and be heard with reference thereto. Public notice of such inquiries is usually given by means of printed placards stating the nature of the application, the name of the inspector appointed to hold the inquiry, the place at which it will be held, and the day and hour for which it is fixed. These placards are forwarded by the Board to the local authority making application with a request that they may be posted on the church and chapel doors and wherever public notices are usually posted in the district or contributory place affected.

In certain classes of cases, *e.g.* applications for Provisional Orders, Orders altering electoral divisions, and petitions for the disallowance of orders of county councils, the Board require the notice of inquiry to be advertised in a local newspaper in addition to the posting of the printed notices in the locality; but such advertisement is not ordinarily required in the case of applications for sanction to loans.

Apart from the above cases and those in which local inquiry is dispensed with, the Local Government Board frequently instruct an inspector to make an *informal* investigation of the application on the spot. In these cases notice of the

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition "Encyclopædia of Local Government Law," vol. i. pp. 195—230, 494—500; vol. ii. p. 31. "Encyclopædia of Forms and Precedents," vol. viii. pp. 132—206, 395, vol. ix. p. 53; vol. x. pp. 227—235, 300—303, 481—489.

time fixed for the visit is, as a rule, given to the clerk of the local authority by the inspector ; and no public announcement of the visit is necessary.

Place, etc., of Inquiry.—It is usual for the Local Government Board to leave the selection of the place for the holding of the inquiry and the making of the necessary arrangements for the use of the building or room for that purpose to the local authority making the application. The clerk to the local authority should accordingly be in readiness to *at once* inform the Board, in the event of a local inquiry being directed in the matter, of the precise place at which the inquiry can be most conveniently held. It may be added that these inquiries are generally held in the morning.

Nature of Evidence.—The nature of the evidence to be given before the inspector must, of course, vary according to the character of the application, and it is not, therefore, possible to give any specific instructions on the point. It may, however, be stated for general guidance that local authorities should be prepared with such evidence as appears to be necessary to support their proposals and to meet any objection which may be raised thereto. In the cases of schemes for the execution of works or the erection of buildings, it would seem to be essential that the engineer, surveyor, or architect (as the case may be) who is responsible for the scheme should be present to fully explain the details of the scheme and to afford any further information which may be required by the inspector.

Employment of Counsel.—The following extract from p. cxix of the 30th Annual Report of the Local Government Board (1900—1901) sets out the views of the Board in regard to the employment of counsel to represent local authorities at inquiries held by the Board's inspectors :—

“ We have observed that in recent years the practice of
“ employing counsel to represent local authorities at inquiries
“ held by our inspectors has been growing to a somewhat
“ serious extent, entailing considerable expense upon the

“ratepayers of the districts on behalf of which they are engaged.
“The object of the inquiries held by our inspectors, is not, as
“a rule, to afford opportunity for the discussion of intricate
“points of law in the elucidation of which the assistance of
“counsel would, no doubt, be of great service, but to ascertain
“the facts relating to the matters forming the subject of
“inquiry in the particular case. For this purpose it appears
“to us that the information which the officers and members
“of the council and the other persons interested in the matter
“of the inquiry are able to give the inspector should be
“sufficient.

“We recognise that there may be cases in which the
“employment of counsel by local authorities to appear at
“inquiries directed by us is desirable, but such cases are very
“exceptional. The tendency, however, seems to be to regard
“inquiries into proposed alterations of local areas and
“boundaries as almost of necessity involving the employment
“of one or more eminent counsel, whilst at inquiries held
“in regard to applications for sanction to loans, or with a
“view to the determination of differences between county
“and district councils in regard to payments in respect of
“main roads, it not infrequently happens that counsel are
“employed.

“We trust that local authorities will assist us in an
“endeavour to avoid unnecessary expense in connection with
“our inquiries, as we feel convinced that in the great majority
“of instances their case could be adequately presented by
“their own officers.”

Summoning persons to attend.—It rests with the inspector who is to hold the inquiry to determine what summonses (if any) shall be issued to secure the attendance of particular persons at the inquiry for the purpose of giving evidence, the production of papers and accounts, etc. Any request to the inspector to issue a summons in regard to the attendance of any person should state (a) the full name of the person, (b) the grounds on which his attendance at the inquiry is considered requisite, and (c) the reasons for thinking that his attendance cannot be secured without a formal summons. The request may be addressed to the inspector at the office of the Local Government Board.

Cases in which local inquiry is a statutory necessity.—In certain cases, the holding of a local inquiry prior to the giving of sanction or the issue of an Order by the Local Government Board is a statutory requirement, and that Board have no power in such cases to dispense with a local inquiry. As instances of this kind, the following may be mentioned:—

PUBLIC HEALTH ACT, 1875.

Loans.

Where the sum proposed to be borrowed with the balances of all the outstanding loans contracted by the local authority under the Sanitary Acts and the Public Health Act, 1875, will exceed the assessable value for one year of the premises assessable within the district (s. 234 (3)).

Reservoirs.

Where objection is made under s. 53 to the proposed construction of a reservoir which will hold more than 100,000 gallons, and is not withdrawn.

Provisional Orders.

Certain applications for—(s. 176 (4) and s. 297 (2)).

Works outside District.

Where objection is made under s. 33 to intended works outside district and is not withdrawn. In this connection, see ss. 32, 34, and 54 of the Act, and s. 2 (2) of the Public Health (Interments) Act, 1879.

LOCAL GOVERNMENT ACT, 1888.

Representations with respect to any of the matters mentioned in s. 54. Petitions for disallowance of orders of county councils

WHERE LOCAL INQUIRY IS A STATUTORY NECESSITY. 517

under s. 57 with respect to any county district not a borough or any parish as regards—

- (a) The alteration or definition of the boundary thereof ;
- (b) The division thereof or the union thereof with any other such district or districts, parish or parishes, or the transfer of part of a parish to another parish ;
- (c) The conversion of any such district or part thereof, if it is a rural district, into an urban district, and if it is an urban district, into a rural district, or the transfer of the whole or any part of any such district from one district to another, and the formation of new urban or rural districts.

HOUSING OF THE WORKING CLASSES ACT, 1890.

Petition of local authority for Order to confirm scheme under Part I. (s. 8 (3)).

Petition of householders under s. 31 (2).

Petition of local authority for an Order sanctioning scheme under s. 39 (see sub-s. (3)).

BRINE PUMPING (COMPENSATION FOR SUBSIDENCE) ACT, 1891.

Applications for Provisional Orders for formation and dissolution of compensation districts (ss. 4, 49).

PUBLIC HEALTH (LONDON) ACT, 1891.

Representation of London County Council under s. 107 (2) as to failure of sanitary authority to appoint a sufficient number of sanitary inspectors.

LOCAL GOVERNMENT ACT, 1894.

Petition of parish council on refusal of county council to make order for compulsory purchase of land (s. 9 (5)).

Memorial within the prescribed period by some person interested praying that an order of a county council under s. 9 may not become law without further inquiry (s. 9 (7) (b)).

PUBLIC HEALTH ACTS AMENDMENT ACT, 1907.

Proposals to construct certain classes of works on land appropriated under s. 95.

Apart from the above cases, there are various Statutes under which the Local Government Board are bound to make "inquiry" before making an order or giving their sanction or consent; and though this expression does not in terms require that a local inquiry should be held, it seems to be so construed as a matter of practice. As instances of such provisions, the following may be cited :—

PUBLIC HEALTH ACT, 1875, s. 299. Complaint in default of local authority.

RIVERS POLLUTION PREVENTION ACT, 1876, s. 6. Application for consent to proceedings being taken by sanitary authorities.

PUBLIC HEALTH (LONDON) ACT, 1891, ss. 101, 135. Complaints of default of metropolitan borough council and common council of City of London.

EDUCATION (ADMINISTRATIVE PROVISIONS) ACT, 1907, s. 1 (2) (iii), (3). Applications by local authorities for consent to appropriate for purposes of Education Acts land acquired under other powers.

Costs of Local Government Board.—The costs of the Board, which are recovered from local authorities, in relation to local inquiries or visits by the Board's inspectors in connection with applications by local authorities under the Public Health Act, 1875, the Rivers Pollution Prevention Act, 1876, the Public Health (Water) Act, 1878, the Public Health (Interments) Act, 1879, the Public Health (London) Act, 1891, the Public Libraries Act, 1892, the Private Street Works Act, 1892, and other Statutes which do not authorise a charge to be made in respect of the salary of the inspector, are usually limited to the personal and travelling expenses of the inspector. No charge is made by the Board for the printed notices of inquiry issued by them, but any cost which may be incurred in

advertising the notice of inquiry and any charge which may be made for the use of the building or room for the purpose of the inquiry will have to be borne by the local authority.

In certain cases, however, the Local Government Board are empowered to make a charge not exceeding three guineas a day in respect of the salary of the inspector or officer engaged in the local inquiry or other proceeding; and, in these cases, the Board also make a charge in respect of the salary of the inspector or officer for the time occupied by him in travelling to and from the place of inquiry, in holding the inquiry, and in reporting upon the application. .

As instances of such enactments, the following may be cited:—

LOCAL GOVERNMENT ACT, 1888, s. 87 (5).

HOUSING OF THE WORKING CLASSES ACT, 1890, s. 85 (1).

BRINE PUMPING (COMPENSATION FOR SUBSIDENCE) ACT, 1891,
s. 45.

ISOLATION HOSPITALS ACT, 1893, s. 24.

LOCAL GOVERNMENT ACT, 1894, s. 72 (2).

LOCOMOTIVES ACTS, 1898, s. 15 (3).

LONDON GOVERNMENT ACT, 1899, s. 28 (2).

EDUCATION ACT, 1902, s. 23 (9).

METROPOLIS WATER ACT, 1902, s. 27 (3).

COUNTY COUNCILS (BILLS IN PARLIAMENT) ACT, 1903, s. 1 (3).

HOUSING OF THE WORKING CLASSES ACT, 1903, para. (8) of
Schedule.

MOTOR CAR ACT, 1903, s. 14.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1907, s. 5 (2).

SMALL HOLDINGS AND ALLOTMENTS ACT, 1907, s. 20 (6).

Many local Acts and Provisional Orders contain a similar provision.

PART XXXVI.—LOCOMOTIVES ON HIGHWAYS.*

Classification of locomotives.—Locomotives used on highways and not running on rails are usually classified as—

1. MOTOR CARS.
2. HEAVY LOCOMOTIVES.

1. The expression "motor car" has the same meaning as "light locomotive" in the Locomotives on Highways Act, 1896, as amended by the Motor Car Act, 1903, except that, for purposes of registration under the latter Act, it does not include a vehicle drawn by a motor car (s. 20 (1) of Act of 1903).

A "light locomotive" was defined by s. 1 (1) of the Act of 1896 to mean any vehicle propelled by mechanical power if under 3 tons in weight unladen and not used for drawing more than one vehicle, such vehicle with its locomotive not to exceed 4 tons in weight unladen, and it was to be so constructed that no smoke or visible vapour is emitted therefrom except from temporary or accidental causes.

By regulations made by the Local Government Board by General Order dated 27th December, 1904, under s. 12 of the Motor Car Act, 1903, the limit of weight of a motor car unladen was raised from 3 tons to 5 tons, while the joint weight (unladen) of the motor car and trailer was increased from 4 tons to 6½ tons. The regulations also prescribed (*inter alia*) limits with respect to the weight permissible in the load on a motor car; and grouped all motor cars exceeding 2 tons in weight (unladen) under the description of "heavy motor cars."

2. The expression "heavy locomotive" is used to denote

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iv. pp. 273, 319. "Encyclopædia of Forms and Precedents," vol. xi. pp. 37, 43.

a locomotive not covered by the expression "motor car," but within the limits specified in the Acts relating to them. In those Acts they are referred to merely as "locomotives."

Statutory provisions.—The provisions of the general law regulating the use, etc., of locomotives on highways (not running on rails) are contained in the under-mentioned statutes:

1. MOTOR CARS.

The Motor Car Acts, 1896 and 1903, which include the—
LOCOMOTIVES ON HIGHWAYS ACT, 1896 (59 & 60 Vict. c. 36),
and
MOTOR CAR ACT, 1903 (3 Edw. 7. c. 36).

The latter Act was to operate until 31st December, 1906, but its operation has been continued till 31st December, 1908, by the Expiring Laws Continuance Acts, 1906 and 1907.

2. HEAVY LOCOMOTIVES.

LOCOMOTIVES ACT, 1861 (24 & 25 Vict. c. 70) ;
LOCOMOTIVES ACT, 1865 (28 & 29 Vict. c. 83) ;
HIGHWAYS AND LOCOMOTIVES (AMENDMENT) ACT, 1878 (41 & 42
Vict. c. 77) amended, as respects s. 28 (4), by s. 9 of
Locomotives on Highways Act, 1896; and
LOCOMOTIVES ACT, 1898 (61 & 62 Vict. c. 29).

General Orders, etc., of Local Government Board *re* Motor Cars.—The following General Orders and circular letters have been issued by the Board with reference to the provisions of the Motor Car Act, 1903, and the use, construction, and registration of motor cars and the licensing of drivers of such cars:

GENERAL ORDER (No. 46,110), dated 19th November, 1903,
cited as "The Motor Car (Registration and Licensing)
Order, 1903," prescribing regulations with respect to
the registration of motor cars and the licensing of
drivers.

NOTE.—Up to 31st March, 1907, this General Order had been supplemented by Orders assigning index marks to the county boroughs since constituted, viz. Blackpool, Smethwick, Southport, and Tyne-mouth and additional index marks to the county of London, and altering the index marks for the county of Dorset and the county borough of Northampton.

CIRCULAR LETTER, dated 20th November, 1903, to councils of counties and county boroughs, explaining the provisions of the Motor Car Act, 1903, and enclosing copies of the above General Order.

CIRCULAR LETTER, dated 23rd November, 1903, to town councils of non-county boroughs with populations exceeding 10,000 in regard to the powers of such councils under the Motor Car Act, 1903, and enclosing copies of the above circular letter.

LIST OF REGISTERING AUTHORITIES in the United Kingdom, showing the index mark and the address of the clerk of each authority.

GENERAL ORDER (No. 46,232), dated 9th March, 1904, cited as "The Motor Cars (Use and Construction) Order, 1904," prescribing regulations with respect to the use of motor cars on highways and their construction, and the conditions under which they may be used. This Order rescinded the General Order of the Board dated 9th November, 1896, making regulations under the Locomotives on Highways Act, 1896, with respect to the use, etc., of light locomotives on highways.

CIRCULAR LETTER, dated 10th March, 1904, to councils of counties, county boroughs, metropolitan boroughs, urban and rural districts, and the common council of the city of London enclosing copies of the General Order of 9th March, 1904, and explaining its effect.

GENERAL ORDER (No. 46,917), dated 27th December, 1904, cited as "The Heavy Motor Car Order, 1904," prescribing regulations as to weight, conditions of use, construction, and speed of *heavy motor cars*—that is, motor cars exceeding two tons in weight unladen.

EXEMPLIFICATION of the working of Art. VI. (2) and Art. XI. (2), (3) of the Heavy Motor Car Order, 1904, showing the minimum width required for the tyre of a wheel having regard to the diameter of the wheel and the axle weight of the axle to which the wheel is attached.

CIRCULAR LETTER, dated 28th December, 1904, to councils of counties and county boroughs enclosing copies of the Heavy Motor Car Order, 1904, and of the exemplification, and containing explanatory observations in regard thereto.

GENERAL ORDER (No. 48,277) dated 11th February, 1907, cited as the "Heavy Motor Car (Amendment) Order, 1907," substituting a fresh provision for Art. XIV. of the Heavy Motor Car Order, 1904, dealing with the use of heavy motor cars on bridges.

CIRCULAR LETTER, dated 16th October, 1907, to county councils (other than London County Council) suggesting the expediency of a more extensive and systematic use of the facilities afforded by s. 10 (2) of the Act of 1903, and other provisions of the law for the prevention of accidents.

Copies of the above-mentioned circular letters (except the circulars of 23rd November, 1903, 10th June, 1907, and 16th October, 1907) and of the General Orders, etc., referred to have been placed on sale, and may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

Regulations under ss. 8 and 9 of Motor Car Act, 1903.—Section 8 of this Act empowers the Local Government Board, by regulations made under s. 6 of the principal Act—*i.e.* the Locomotives on Highways Act, 1896—to prohibit or restrict the driving of any motor cars, or of any special kind of motor cars, on any specified highway, or part of a highway, which does not exceed sixteen feet in width, or on which ordinary motor-car traffic would, in their opinion, be especially dangerous.

It will be observed that the operation of this section is limited to specified highways or parts of highways, which do not exceed sixteen feet in width or on which ordinary motor-car traffic is especially dangerous. In the latter connection, the

Local Government Board state that they are advised that the expression “especially dangerous” must be interpreted in the light of s. 1 (1) of the Act as implying an exceptional kind of danger, which is something more than the danger to be averted by compliance with other requirements of the Act; and, further, they do not consider that regulations applicable to the entire area of a borough would be within the scope of the section.

Before making an application for a regulation under this section, the council should carefully consider whether the case is not one in which an application for a regulation under s. 9 of the Act would be more appropriate. Under the latter section, the Local Government Board are empowered, on the application of (i) the common council of the city of London, (ii) the town council of a borough with a population of over 10,000 according to the census for 1901, or (iii) the county council as regards any other area, to make regulations “*with a view to the safety of the public*” fixing ten miles per hour as the maximum speed at which a motor car may be driven within any limits or place within the area of the local authority making the application which may be specified in such regulations. A regulation made under s. 8 may restrict to any speed less than twenty miles, or may prohibit the driving of motor cars on specified highways.

An application to the Board to make a regulation under s. 8 or s. 9 should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made;
- (2) An ordnance map of the borough or other area showing in red colour the boundary of the borough or other district and the streets or parts of streets to which the application relates;

NOTE.—The map should be mounted and folded in foolscap size.

- (3) A statement specifying the streets or parts of streets included in the application and giving, as regards each street, information as to (a) the width of the street, (b) the width of the carriage-way, and (c) the gradient; and
- (4) A precise statement of the grounds on which the

application is based, including brief but definite particulars of any accidents which may have occurred from the driving of motor cars on the highways in question and information as to the extent of motor-car traffic in each street.

In the event of the Local Government Board deciding to entertain the application it is their practice to forward to the local authority a form of notice of the application to be given by them by advertisement in one or more newspapers within the borough or other area (as the case may be), and to require to be furnished with a copy of the newspaper or newspapers containing the publication of the advertisement. Notice of the application is also published in the *London Gazette* by the Board themselves. A local inquiry by one of their inspectors is usually directed by the Board before arriving at a decision in the matter.

In the event of an Order being made under either section, the local authority are required to similarly publish the Order, and the issue of the Order is usually withheld until the necessary sign posts are ready for erection.

Driving wheels of heavy locomotives.—Section 28 (4) of the Highways and Locomotives (Amendment) Act, 1878, provided that:

“The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three-quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches.”

Section 9 of the Locomotives on Highways Act, 1896, empowers the Local Government Board to vary the above-mentioned requirements from time to time by Order.

In pursuance of the latter enactment, the Local Government Board on 21st November, 1903, made a General Order varying the provisions of s. 28 (4) of the Act of 1878 so as to authorise the use on highways, subject to certain conditions, of locomotives having driving wheels shod with wooden blocks. This order rescinded two previous Orders varying the requirements of the subsection referred to.

A further Order was issued by the Board on 7th August, 1905, allowing the use of locomotives having driving wheels fitted with a contrivance known as the "pedrail."

An application to the Board for an Order under s. 9 of the Act of 1896 should be accompanied by—

- (1) A specification or full description of the wheel which it is desired should be authorised to be used;
- (2) Detailed plans and sections of the wheel; and
- (3) A statement of the special advantages which are claimed for the proposed type of wheel, with such evidence as can be adduced in support thereof. If the wheel is already in use, information should be furnished on the following points—
 - (a) the maximum and minimum weights of the locomotives for which the wheel has been used;
 - (b) The purpose for which such locomotives were employed;
 - (c) The nature of the roads on which such locomotives have run;
 - (d) The period for which the new wheels have been in use;
 - (e) The general effect of the wheels upon the roadways, as compared with the effect of the authorised wheels; and
 - (f) Where the wheels may be seen in actual use.

Weighing machines for heavy locomotives.—Under s. 4 (1) of the Locomotives Act, 1898, road authorities are empowered to erect in their districts machines for weighing locomotives and loaded waggons drawn by them; and, by sub-s. (3) of that section, the council of any county borough and any district council are authorised to borrow for this purpose under and subject to the provisions of the Public Health Act, 1875. Accordingly, the sanction of the Local Government Board is necessary to the borrowing by such councils for the purpose in question by virtue of the applied provisions of ss. 233 and 234 of the Act of 1875.

Power to borrow money for this purpose with the consent of the Local Government Board is conferred on county councils by s. 69 (1) (c) of the Local Government Act, 1888.

An application to the Board for sanction to a loan for the erection of a weighing machine under the provisions of s. 4 of the Act of 1898 should state that it is made under that enactment and should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (a) ;
- (2) A specification and drawing of the machine, and a map of the locality showing by colour where it is to be placed ;
- (3) Information as to how the site vests in the council, if it is already in their possession ;
- (4) A statement showing how the amount proposed to be borrowed is made up; and
- (5) Particulars (in the appropriate official Form (b)) as to the rateable or assessable value and debt of the county, borough, or district.

A period of ten years is usually allowed by the Board for the repayment of loans sanctioned by them for the provision of weighing machines.

Appeals against restrictions, etc., on passing of heavy locomotives over bridges.—Section 7 of the Locomotives Act, 1898, enables the owner of a locomotive who is aggrieved by any restriction or prohibition placed, either before or after the passing of the Act, on the passing of locomotives over any bridge, either under s. 6 of the Locomotive Act, 1861 (c), or

(a) See also "RESOLUTIONS," p. 8.

(b) Form K, No. 15, should be used in the case of an application by a county council, and Form K, No. 2, in all other cases. See also "FORMS," p. 5.

(c) S. 6 of the Locomotive Act, 1861, as amended by the Locomotives Act, 1898, provides that—

"It shall not be lawful for the Owner or Driver of any Locomotive to drive it over any Suspension Bridge nor over any Bridge on which a conspicuous Notice has been placed, by the Authority of the Surveyor or Persons liable to the Repair of the Bridge, that the Bridge is insufficient to carry Weights beyond the ordinary Traffic of the District, without previously obtaining the Consent of the Surveyor of the Road or Bridgeman under whose Charge such Bridge shall be for the Time being, or of the Persons liable to the Repair of such Bridge."

under any byelaw made under the Act, or any enactment repealed by the Act, to appeal to the Local Government Board, and that Board, if they consider that the bridge is sufficient to bear the weight of locomotives, and that there is no other reasonable cause for imposing the restriction or prohibition, may order the restriction or prohibition to be removed, or, if they consider that it may reasonably be varied in any respect, to be varied.

This provision does not apply to the Menai Bridge (see s. 16 of Act).

An appeal to the Local Government Board under this enactment should state to what particular bridge it has reference, what is the restriction or prohibition objected to, by what authority such restriction or prohibition was imposed, and whether in pursuance of s. 6 of the Locomotive Act, 1861, or of a byelaw made under the Locomotives Act, 1898, and what are the grounds on which the appeal is based. If the appellant has obtained the advice of an expert in the matter, a copy of the expert's report should also be forwarded.

If the bridge is one for the repair of which a railway company is liable, the appeal will lie to the Board of Trade and not to the Local Government Board (s. 7 (6)).

Byelaws as to heavy locomotives.—Under s. 6 of the Locomotives Act, 1898, county councils, the councils of county boroughs and of non-county boroughs with a population of not less than 10,000 according to the census of 1881, and the corporation of the city of London have power to make byelaws with respect to the use of locomotives on highways and bridges, but any such byelaws are subject to confirmation by the Local Government Board.

Model byelaws under this enactment were issued by the Board in 1899 (*a*), but the draft forms which are now supplied by them for the submission of proposed byelaws of this kind embody certain alterations of clauses 3, 4, and 5 of the

(*a*) Copies can be purchased (price 1*d.*), either directly or through any book-seller, from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

model series. In this connection, the Board state that, objections having been raised by various county and borough councils to the making of byelaws similar to the clauses numbered 3, 4, and 5 in the model series, they directed local inquiries to be held by their inspectors in these cases and, having considered the reports of the inspectors, they arrived at the following general decision as regards byelaws in the terms of those clauses.

“MODEL CLAUSE 3.—The number of waggons in this clause has generally been limited to three. From representations which have been made at the inquiries referred to and have otherwise reached them, the Board understand that on certain occasions (notably when beginning or ending a job) it is customary for locomotives to draw trains of six unloaded waggons, and that on these occasions the restriction to three would cause inconvenience to the locomotive industry. It is further alleged that the proviso to the clause allowing more than three waggons to be taken on a specified journey after obtaining the permission of the council does not sufficiently meet the needs of the industry.

“While the Board consider that in ordinary circumstances the limit of the train should be three unloaded waggons, they feel sure that the council will be willing to give all proper facilities for obviating inconvenience to the engine owners that are compatible with the interests of the public and of the ordinary traffic on the highways; and they propose, therefore, the omission of the words ‘on any specified journey,’ from the proviso to the clause with the object of enabling the council to give permission of a more general character than would otherwise be possible, subject to such conditions as circumstances may require. This, it seems to the Board, will remove the difficulties above indicated.

“MODEL CLAUSE 4.—It appears to the Board, having regard to the evidence taken at the inquiries, that the stopping period suggested in the model clause might generally be increased to thirty minutes.

“MODEL CLAUSE 5.—With the view of meeting objections that have been raised to the requirements of this clause the Board think that it would be desirable that paragraph (a)

“as to provide that a person shall not drive or suffer a locomotive to be driven upon the carriage-way or cart-way unless a person accompanying the locomotive shall precede the locomotive for a distance reasonably sufficient to warn the drivers of vehicles of the approach of the locomotive. At the same time the Board think that the clause should not in general apply to roads of a greater width than sixteen feet.”

With regard to the placing of warning notices on highways and bridges which have been closed to locomotive traffic by byelaws under s. 6 of the Locomotives Act, 1898, attention is drawn to the following circular letter of the Local Government Board, dated 22nd December, 1904:—

SIR,

I AM directed by the Local Government Board to state that it has been brought to their notice by the National Traction Engine Owners' and Users' Association, that inconvenience is frequently caused to the drivers of heavy locomotives by the absence of warning notices on the highways and bridges which have been closed to locomotive traffic by byelaws under Section 6 of the Locomotives Act, 1898.

It is pointed out by the Association that, although local drivers may find no difficulty in identifying the highways and bridges upon which locomotive traffic is prohibited, the absence of notices where through traffic is concerned occasions in some cases an unintentional infringement of the byelaws in force.

It may be observed in connection with this question that, among the recommendations made by the Departmental Committee appointed in 1903 to inquire into the subject of Highway Authorities and Administration, was one to the effect that “a conspicuous Notice should be placed upon all bridges and culverts scheduled under the Act (the Locomotives Act of 1898), and in all streets closed during certain hours.” See Paragraph 58 of the Report of the Committee, Parly. Paper, Cd. 1793.

The Board think that there is no doubt as to the desirability of the highways and bridges on which locomotive traffic is restricted or prohibited being indicated by notices as suggested, and, unless such notices have already been erected by the

Council, the Board would be glad if the Council would consider the question of placing them on any such highway or bridge.

I am to add that the Board are advised that the cost of the notices is an expense which the Council might legally incur.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,
Secretary.

Any council proposing to make byelaws under the enactment in question should, in the first instance, apply to the Local Government Board for copies of their amended draft forms of byelaws on this subject, and, when submitting the draft byelaws to the Board for their preliminary approval, the following information should also be supplied—

- (1) A map (*a*) of the county or borough showing by colour the highways and bridges mentioned in the schedules to the model clauses 2 and 7;
- (2) Information as to whether any of the bridges and, if so, which are repairable by any person or body other than the council or highway authority of the county or borough (as the case may be); and
- (3) In the case of a non-county borough, the population according to the census of 1881.

It would appear from the following extract from the 36th annual report of the Local Government Board that the Board consider it necessary in some cases to direct local inquiries to be held by their inspectors before confirming byelaws under this enactment:—

“The effect upon the traction-engine industry of prohibitions
“and restrictions of the use of locomotives in connection with
“particular highways and bridges, and the objections raised to
“the byelaws by persons interested, demanded careful investigation of many of the proposals, and we deemed it expedient
“in certain instances to direct the holding of local inquiries by

(*a*) In the case of a county, a county diagram map on the scale of one inch or two inches to the mile will be sufficient. The map should be mounted on linen.

"our engineering inspectors in order to obtain the necessary
"information on which to base our decision in the matter."

* * * *

The reports of the Board show that, up to March 31st, 1907, byelaws under s. 6 of the Locomotives Act, 1898, had been confirmed in the cases of the corporation of the city of London, forty-three county councils and fifty-eight borough councils. The names of the county and borough councils are as follows :—

COUNTY COUNCILS.

England.

Bedford.	Middlesex.
Berks.	Monmouth.
Buckingham.	Norfolk.
Cambridge.	Northumberland.
Cheshire.	Nottingham.
Cornwall.	Oxford.
Derby.	Peterborough, Soke of.
Devon.	Rutland.
Dorset.	Salop.
Durham.	Somerset.
Essex.	Stafford.
Gloucester.	Suffolk (East).
Hereford.	Suffolk (West).
Hertford.	Surrey.
Isle of Wight.	Sussex (East).
Kent.	Sussex (West).
Lancashire.	Warwick.
Lincoln (Holland).	Wilts.
Lincoln (Kesteven).	Worcester.
Lincoln (Lindsey).	Yorkshire (North Riding).

Wales.

Denbighshire.	Montgomeryshire.
Glamorgan.	

BOROUGH COUNCILS.

Barrow-in-Furness.	Hyde.
Bath.	Kidderminster.
Birkenhead.	Lewes.
Birmingham.	Liverpool.
Boston.	Maidstone.
Bournemouth.	Mansfield.
Bradford.	Newark.
Brighton.	Newbury.
Bristol.	Newport (Mon.).
Burnley.	Northampton.
Canterbury.	Norwich.
Cardiff.	Peterborough.
Chatham.	Richmond (Surrey).
Cheltenham.	Rotherham.
Chester.	St. Helens.
Clitheroe.	Sheffield.
Crewe.	Southampton.
Croydon.	South Shields.
Derby.	Tiverton.
Dewsbury.	Todmorden.
Dudley.	Torquay.
Ealing.	Walsall.
Eastbourne.	Warrington.
Exeter.	Wednesbury.
Guildford.	West Bromwich.
Hastings.	West Ham.
Hereford.	Winchester.
Hornsey.	Wolverhampton.
Huddersfield.	York.

Parliamentary and other papers (a).—The following are the most recent parliamentary and other papers in relation to motor cars:—

ROYAL COMMISSION ON MOTOR CARS.

Vol. I. Report. [*Cd.* 3,080. 1906. *Price* 9*d.*]

(a) These papers can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Fetter Lane, London, E.C.

Vol. II. Minutes of Evidence, with Appendices and Index.

[*Cd.* 3,081. 1906. *Price* 6s. 1d.]

NOTE.—This commission was appointed to inquire and report as to—

1. The working of the Motor Car Acts, 1896 and 1903, and of the regulations under them.
2. The law and practice in relation to motor cars in the principal foreign countries.
3. What amendments (if any) should be made in the Motor Car Acts and the regulations thereunder.
4. The injury to the roads alleged to be caused by motor cars.
5. Whether any and, if so, what additional charges should be imposed in respect of motor cars, and how any money thus raised should be applied.

DEPARTMENTAL COMMITTEE appointed by the President of the Local Government Board to inquire with regard to regulations for purposes of s. 12 of the Motor Car Act, 1903.

Part I. Report. [*Cd.* 2,069. 1904. *Price* 2d.]

„ II. Minutes of Evidence, with Appendices and Index. [*Cd.* 2,070. 1904. *Price* 10d.]

MOTOR CAR (LICENCES).—Return showing the number of motor cars (distinguishing motor cycles from other motor cars) registered by each registering authority in England and Wales under the Motor Car Act, 1903, up to the 1st day of January, 1904, and the 1st day of April, 1904, respectively; together with the number of licences under the Act granted to drivers of motor cars by each authority at the same dates, distinguishing between licences limited to the driving of motor cycles and licences not so limited. [*No.* 292. 1904. *Price* 1d.]

REGULATIONS made by the Secretary of State under s. 5 of the Locomotives on Highways Act, 1896, as to the keeping and use of petroleum for the purposes of light locomotives. [*Price* 1d.]

PART XXXVII.—PROVISION OF LUNATIC ASYLUMS BY LOCAL AUTHORITIES * (OTHER THAN POOR LAW AUTHORITIES).*

Statutory provisions.—The statutory provisions of the general law with respect to the provision of lunatic asylums by local authorities (other than poor law authorities (*a*)) in England and Wales are contained in the Lunacy Acts, 1890 and 1891, which comprise the—

LUNACY ACT, 1890 (53 Vict. c. 5), and

LUNACY ACT, 1891 (54 & 55 Vict. c. 65).

The Act of 1890 is the principal Act and requires every local authority, as defined therein, to provide and maintain an asylum or asylums for the accommodation of pauper lunatics (s. 238); and, where they fail to satisfy the requirements of the Act in this respect, the Secretary of State for the Home Department is empowered, on the report of the Lunacy Commissioners, to direct the authority to provide such accommodation (s. 247).

The local authorities for the purposes of the Act are—

- (1) County councils;
- (2) Councils of county boroughs; and
- (3) The councils of certain other boroughs specified in the Fourth Schedule of the Act (*b*) (s. 240). Where, however, any

* BIBLIOGRAPHY.—“Encyclopædia of Local Government Law,” vol. iv. pp. 333—353. Archbold’s “Lunacy.”

(*a*) Under certain conditions, lunatics may be detained in workhouses, and in many instances separate accommodation for the reception of the insane has been provided by the guardians. Under the Metropolitan Poor Act, 1867, the managers of the Metropolitan Asylum District have also provided asylums for the reception of insane paupers of the metropolis.

(*b*) The boroughs so specified were: Barnstaple, Bedford, Berwick-on-Tweed, Bridgwater, Bury St. Edmunds, Cambridge, Colchester, Doncaster, Dover, Grantham, Gravesend, Guildford, Hereford, King’s Lynn, London (City of), Maidstone, Newark, Newbury, Newcastle-under-Lyme, New Sarum (Salisbury), New Windsor, Penzance, Poole, Rochester, Scarborough, Shrewsbury, Tiverton, Warwick, Wenlock, and Winchester.

of the last-mentioned boroughs contract for the reception of the lunatics of the borough in the county asylum, the council thereof ceases to be a local authority under the Act on the determination of the contract (s. 246).

The powers conferred by the Act on a local authority for providing asylum accommodation are to be exercised by a visiting committee subject to the directions (if any) of the authority as to the method to be adopted for providing the accommodation (s. 239).

Any such authority may also provide asylum accommodation for pauper and private patients together or in separate asylums, and separate asylums for idiots or patients suffering from any particular class of mental disorder (s. 241); and the visiting committee of an asylum, with the consent of each local authority by whom the asylum is provided and the approval in writing of a *Secretary of State*, may make alterations or additions to the asylum for providing accommodation for private lunatics (s. 255).

For the purpose of providing asylum accommodation, a local authority may do all or any of the following things:—

- (a) Provide and maintain an asylum alone;
- (b) Agree to unite in providing and maintaining a district asylum with any other local authority or authorities;
- (c) Agree to unite with any other local authority or authorities upon such terms as to payment and otherwise as may be thought proper for the joint use as a district asylum of any existing asylum, and, if they think fit, for the enlargement of the same.

An agreement to unite requires the approval of a *Secretary of State* (s. 242); and any such agreement may be varied or dissolved with his sanction or consent (ss. 250, 267).

Plans and contracts for the purchase of lands and buildings and for the erection, restoration, and enlargement of buildings agreed upon by a visiting committee cannot be carried into effect until approved by the *Secretary of State* (s. 254 (2), as amended by s. 16 of the Lunacy Act, 1891); and any difference between local authorities as to whether any plan, estimate

or contract ought to be approved is to be determined by the *Secretary of State* (s. 254 (4)).

For the purpose of procuring the approval of a *Secretary of State* to any agreement, contract, or plan, such agreement, contract, or plan, with an estimate of the cost of carrying it into effect, must be submitted to the *Lunacy Commissioners* and to the *Secretary of State*, and the commissioners are to inquire and report thereon to the *Secretary of State*, who may approve the agreement, etc., with or without modification or refuse his approval (s. 272).

A local authority may with the consent of the *Local Government Board*, and subject to the provisions of the Local Government Act, 1888, and the Municipal Corporations Act, 1882 (according as the same are applicable to the authority), borrow money for the purpose of paying any money payable under the Act or for repaying any moneys borrowed under the Act or any former Act authorising borrowing for purposes of asylum accommodation (s. 274 (1)).

Jurisdiction of Local Government Board, Lunacy Commissioners, and Secretary of State.—Each of these three departments possesses jurisdiction in connection with the provision of asylums under the Lunacy Acts, 1890, and 1891; and it may be convenient to summarise briefly their respective functions in this respect.

1. THE LOCAL GOVERNMENT BOARD have jurisdiction with respect to the sanctioning of loans for lunatic asylum purposes (Lunacy Act, 1890, s. 274), the appointment of arbitrators in certain cases where the local authorities cannot agree upon an arbitrator (Lunacy Act, 1891, ss. 13, 14), the fixing of periods for the repayment of monies borrowed for the payment of capital sums, and the application of capital monies (Lunacy Act, 1891, s. 15).

2. THE LUNACY COMMISSIONERS are concerned with making inquiries and reporting to the Secretary of State upon all agreements, contracts, and plans requiring his approval (Lunacy Act, 1890, s. 272). Any such agreement, contract,

or plan should accordingly be submitted to the Lunacy Commissioners in the first instance, to be subsequently forwarded by the commissioners to the Secretary of State for his approval.

3. THE SECRETARY OF STATE possesses the most extensive powers, his approval, sanction, consent, or direction being necessary under the Lunacy Act, 1890, as regards the following (among other) matters :—

- (1) Directing a local authority to provide asylum accommodation where Lunacy Commissioners report failure of authority to satisfy requirements of Act (s. 247) ;
- (2) The making, variation, and dissolution of agreements to unite (ss. 242, 250, 267).
- (3) Contracts between county boroughs and visiting committees for the reception of pauper lunatics from the borough into the asylum (s. 243) ;
- (4) Plans and contracts for the purchase of lands and buildings and for the erection, restoration, and enlargement of buildings (s. 254 (2), as amended by s. 16 of Lunacy Act, 1891).

NOTE.—In cases in which it is proposed to raise a loan with the consent of the Local Government Board to defray the cost of the works, the arrangements as regards sewerage, disposal of sewage, and water supply are left to be dealt with by that Board.

It may be added that the approval of the Secretary of State is not required under the sub-section referred to as regards such works as roads, water mains, etc., unless in the case of the erection of new buildings to which they are incident, or with respect to the under-mentioned matters :—

- (i) Clocks, installation of tell-tale ;
- (ii) Drains, laying and alteration of, and substitution of iron pipes for old drains ;

- (iii) Electric installation ;
 - (iv) Furniture and equipment ;
 - (v) Heating apparatus ;
 - (vi) Laundry fittings and apparatus ;
 - (vii) Machinery, installation of (apart from the erection of buildings in connection therewith) ;
 - (viii) Telephones, installation of.
- (5) Determination of differences between local authorities as to whether any plan, estimate, or contract ought to be approved (s. 254 (4)) ;
 - (6) Alterations or additions to asylums for providing accommodation for private lunatics (s. 255) ;
 - (7) Provision of accommodation for burial of lunatics, etc. (s. 258) ;
 - (8) Appropriation to other purposes of land found unsuitable or otherwise not required for asylum purposes (s. 265) ;
 - (9) The cancellation of contracts for the purchase of lands unsuitable or not required (s. 268) ;
 - (10) The making and determination of " reception contracts " (s. 269) ;
 - (11) The making, alteration, and variation of general rules for the government of the asylum (s. 275).

Borrowing powers.—Power to borrow money for the provision, etc., of lunatic asylums is conferred on local authorities, as defined by s. 240 of the Lunacy Act, 1890, by s. 274 (1) of that Act, which is in the following terms :—

" For the purpose of paying any money payable under this Act, or for repaying any moneys borrowed under this Act or any former Act, authorising borrowing for purposes of asylum accommodation, the local authority may with the consent of the Local Government Board, and subject to the provisions of the Local Government Act, 1888, and the Municipal Corporations Act, 1882, according as the same respectively are applicable to the local authority, borrow on the

“security of the county or borough fund, and of any revenue
 “of the local authority, or on either such fund or revenues or
 “on any part of the revenues, such money as the local
 “authority requires.”

County councils will accordingly borrow money for these purposes subject to the provisions of s. 69 of the Local Government Act, 1888; while borrowing by borough councils will be subject to the provisions of the Municipal Corporations Act, 1882, in that behalf. The consent or approval of the Local Government Board to the borrowing is required in either case.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them under the Lunacy Act, 1890, for purposes of asylum accommodation are as follows:—

Purchase of land (freehold)	.	.	30 years
Buildings	.	.	30 „
Furniture and fittings	.	.	Up to 10 years

In this connection it may be pointed out that, as the borrowing of money in these cases is subject to the provisions of the Local Government Act, 1888, or the Municipal Corporations Act, 1882, thirty years is the maximum period which the Local Government Board are empowered to allow for the repayment of a loan.

Applications for consent to loans.—The application for the consent of the Local Government Board to a loan for lunatic asylum purposes should be deferred until the plans, etc., have been approved by the Secretary of State, where these require his approval. As to certain classes of cases in which such approval is not necessary, see p. 538.

An application by a county council should be accompanied by—

- (1) A copy of a resolution of the council directing it to be made (a) ;

- (2) The plans approved by the Secretary of State, or copies thereof, in cases in which his approval is necessary.

NOTE.—Approved plans are ultimately returned to the authority, but the Board require to be furnished for purposes of record with a block plan showing the drainage arrangements. If copies are forwarded, they should be marked to show that they are copies of the approved plans.

- (3) A detailed estimate of the cost of the scheme (a), including a detailed and priced list of any furniture to be provided; and
- (4) Particulars (in Form K, No. 15) (b) as to the rateable value and existing debt of the county.

If the application relates solely to the purchase of land, it should be stated whether the Secretary of State has approved of the purchase, and a plan showing the land should be furnished together with such of the other particulars mentioned above as are applicable.

Similar information to that indicated as being required with regard to an application by a county council for consent to a loan should be forwarded in connection with an application by a town council, except that (1) the application must be made in the manner in which applications for approval of loans under the Municipal Corporations Act, 1882, are required to be made; and (2) Form K, No. 55, should be used for supplying the necessary particulars as to the rateable value and debt of the borough.

In the case of an application for consent to borrow money for the purposes of a joint lunatic asylum, it should be stated what other authorities are interested, and the account and demand received by the authority showing the particulars of the outlay in respect of which the claim on them is made should be furnished.

It may be added that the Local Government Board do not sanction the borrowing of money for the provision of clothing;

(a) See also "ESTIMATES," p. 4.

(b) See also "FORMS," p. 5.

and items for this purpose should accordingly be excluded from estimates submitted in connection with applications for consent to loans.

Parliamentary and other papers (a).—The following are some of the more important papers of recent date which have reference to the provision of lunatic asylums:—

REPORTS of Lunacy Commissioners.

NOTE.—These are issued annually. Some special observations in regard to the increasing cost of lunatic asylums is contained in pp. 16—19 of the 58th annual report.

SUGGESTIONS and instructions with reference to sites, general arrangement of buildings, construction of buildings, plans and estimates, etc. (*Price 2d.*) These are revised from time to time.

RETURN of expenditure on lunatic asylums up to 1st January, 1904, and of the average cost per head of lunatics during the year ended 31st March, 1903, giving the following particulars in regard to each asylum:—

1. Name of asylum.
2. Number of patients provided for on 1st January, 1904.
3. Total cost of buildings and land up to 1st January, 1904.
4. Cost per bed of buildings and land.
5. Average weekly cost per head in respect of interest and repayment of loans for land and buildings, rental of land and buildings, and repairs for year ended 31st March, 1903.
6. Average weekly cost per head for maintenance and other charges not included in 5 for year ended 31st March, 1903.
7. Total average weekly cost per head for year.
8. Receipts from—

(a) These can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Fetter Lane, London, E.C.

- (a) Parliamentary grants and payments by county and county borough councils from Exchequer Contribution Account.
- (b) Payment for patients.
- (c) Rates.

(MR. CHARLES HOBHOUSE.) [*No.* 290. 1904. *Price* 1½*d.*]

PART XXXVIII.—MAIN ROADS.*

I. DETERMINATION OF DIFFERENCES UNDER SECTION 11 OF THE LOCAL GOVERNMENT ACT, 1888, AS AMENDED BY THE LOCAL GOVERNMENT (DETERMINATION OF DIFFERENCES) ACT, 1896 [59 VICT. c. 9].

Statutory provisions.—Sub-section (1) of s. 11 of the Local Government Act, 1888, provides that every road in a county, which is for the time being a main road within the meaning of the Highways and Locomotives (Amendment) Act, 1878, inclusive of every bridge carrying such road, if repairable by the highway authority, shall be wholly maintained and repaired by the council of the county in which the road is situate.

Sub-section (2) provides that any urban authority may, within twelve months after the appointed day, or in case of a road in the district of such authority becoming a main road at any subsequent date then within twelve months after that date, claim to retain the powers and duties of maintaining and repairing a main road within the district of such authority, and thereupon they shall be entitled to retain the same, and the county council shall make to such authority an annual payment towards the costs of the maintenance and repair, and reasonable improvement connected with the maintenance and repair of such road.

Sub-section (3) of the same section as amended by s. 1 of the Local Government (Determination of Differences) Act, 1896, provides that the amount of such payment shall be such annual sum as may be from time to time agreed on, or in the absence of agreement may be determined by the Local Government Board either as arbitrators or otherwise at the option of the Board.

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iii. pp. 305—495. "Encyclopædia of Forms and Precedents," vol. vi. pp. 358—431; vol. xi. pp. 60—114. Pratt and Mackenzie's "Law of Highways, Main Roads, and Bridges."

Sub-section (4), as amended by the Act of 1896, provides that the county council and any district council may from time to time contract for the undertaking by the district council of the maintenance, repair, improvement, and enlargement of, and other dealing with any main road, and that if the county council so require, the district council shall undertake the same, and such undertaking shall be in consideration of such annual payment by the county council for the costs of the undertaking as may from time to time be agreed upon, or, in case of difference, be determined by the Local Government Board, either as arbitrators or otherwise at the option of the Board.

Sub-section (5) provides for the payments by the county council, under sub-ss. (2) and (4), being dependent upon their being satisfied as to the proper maintenance and repair of the road, or that the improvement, etc., has been properly executed.

Sub-section (7) provides that, where a county council declare a road to be a main road, the declaration shall not take effect till the road has been placed in proper repair and condition to their satisfaction.

Sub-section (8) enables a county council when satisfied that any portion of a main road, the maintenance and repair of which are undertaken by any district council, is not in proper repair and condition, to cause notice to be given to the district council requiring them to place the road in proper repair and condition, and, on failure to comply with the notice, to themselves do the work at the cost of the district council.

Sub-section (9), as amended as aforesaid, provides that if any difference arises under the section between a county council and a district council as to the refusal of the county council to make a payment under this section to the district council in respect of any undertaking or road, or as to a road having been placed in proper repair and condition previously to its becoming a main road, or as to any notice given to the district council by the county council to place a road in proper repair and condition, such difference shall, if either council so require, be determined by the Local Government Board, either as arbitrators or otherwise at the option of the Board.

Applications to Local Government Board.—Applications to the Local Government Board to determine differences under sub-ss. (3), (4), and (9) of s. 11 of the Act of 1888, as amended by the Act of 1896, should be accompanied by—

1. A copy of a resolution of each authority requesting the Local Government Board to determine the difference under the above-mentioned enactments. If, however, the case is within sub-s. (9) of s. 11, a copy of a resolution of one authority will be sufficient.
2. A joint statement of facts (wherever possible) in the appropriate official form, signed on behalf of each of the authorities concerned as evidence of their concurrence therein;

NOTE.—Three Forms have been prepared for this purpose, viz.:

K. 105 for statement of facts under s. 11 (3)

K. 106 „ „ „ „ „ s. 11 (4)

K. 107 „ „ „ „ „ s. 11 (9)

and copies are supplied on request. The last paragraph of Form K, 107, will need alteration where the difference to be determined relates to a matter within sub-s. (9) other than the refusal of the county council to make a payment.

In all cases in which the county council decline to join in the application to the Local Government Board, Form K, 107, should be used. The Board, however, consider it very desirable that the concurrence of both authorities should, if possible, be obtained to the statement of facts. A copy of any letter in which the county council have expressed their unwillingness to join in the application or to concur in a statement of facts should be forwarded.

3. A detailed account of the expenditure on the main roads for the financial year or years to which the difference relates, if the Local Government Board are required to determine the amount payable by the county council in respect of any such year or years.

NOTE.—No Form is supplied by the Board for this purpose, but the statement should show the expenditure on materials and labour, etc., as regards each main road under suitable heads, *e.g.* (1) CARRIAGE-WAYS with such sub-heads as *Materials, Maintenance, Scavenging, Watering, Steam Rolling, and Improvements*; (2) FOOTWAYS with such sub-heads as *Maintenance and Improvements*; (3) OTHER PURPOSES (if any); and (4) ESTABLISHMENT EXPENSES. The length of each main road and the total area of the carriage-ways should also be stated.

If, however, the difference merely relates to the refusal of the county council to make a payment in respect of a particular work, it will, presumably be sufficient if a detailed statement is submitted showing how the amount claimed is made up;

4. A six-inch ordnance map of the district (mounted on linen) distinguishing the main roads by colour, together with plans on tracing cloth of any works (other than maintenance and repair) to which the difference relates.

Procedure of Local Government Board.—Under s. 1 of the Local Government (Determination of Differences) Act, 1896, the Local Government Board have the option of appointing arbitrators to determine differences under sub-ss. (3), (4), and (9) of s. 11 of the Local Government Act, 1888, or of otherwise determining such differences. It is, however, their general practice to determine these differences themselves by Order after a local inquiry has been held on the subject by one of their inspectors. As to the Board's views with respect to the employment of counsel at such inquiries, see p. 514.

The following extract from the 36th Annual Report of the Board (1906—7) p. xxxvi., states the view of the Board as to the period in respect of which a difference to be submitted to them for determination may extend:—

“In the Stoke-upon-Trent case we were asked to deal with differences which had arisen so long ago as 1899. It appears

“that during the period from 1899 to 1905 the town council “had given receipts ‘on account’ in acknowledgment of the “contributions made by the county council, with the intention “throughout, as the town council informed us, of eventually “submitting the equity of certain deductions which had been “insisted upon by the county council to our arbitration under “the Act. We came to the conclusion that no sufficient “reason had been shown for the delay in bringing the matter “before us, and accordingly decided that the figures should be “investigated for the last three years only.”

It may be added that the Local Government Board have not issued any memorandum as to the general principles upon which they act in determining the differences in question, nor do they explain how their awards are arrived at.

Decisions of the Courts.—The following are some of the more important cases of general interest which have been decided in the High Courts in recent years with respect to the liabilities of county councils in connection with the maintenance and repair, etc., of main roads :—

In re WARMINSTER LOCAL BOARD AND WILTS. COUNTY COUNCIL (15th May, 1890), [25 Q. B. D. 450; 59 L. J. Q. B. 434; 62 L. T. (N.S.) 902; 38 W. R. 671; 54 J. P. 375].

The Queen’s Bench Division delivered judgment as follows upon a case stated for the opinion of the Court :—

1. That the said local board having claimed to retain the powers and duties of maintaining and repairing the main roads within their district under s. 11 of the said Local Government Act, 1888, the county council is liable to make an annual payment towards the costs of the maintenance and repair and reasonable improvement connected with the maintenance and repair of all the footpaths, or footways, mentioned in the said case on the sides of the main roads, or parts of such main roads (whether such footpaths or footways are flagged, paved, pitched, gravelled, or otherwise constructed).
2. That the county council is under the like liability in respect of paved or pitched crossings over such main roads.

3. That the county council is under the like liability in respect of scavenging, cleansing, and watering of the streets and roads which are main roads, and of the said footpaths or footways, so far as such scavenging, cleansing, or watering is for the purpose of maintenance or repair of such roads, footpaths, or footways, but not in so far as the same is for sanitary purposes other than such maintenance or repair.
4. That the county council is not liable in respect of the lighting of the streets and roads which are main roads.
5. That if the local board alter the flagging or pavement of the footways in the said main roads as, for instance, by substituting flagging, or pavement, or wood, or asphalt for gravel, or other substance, the county council is, under s. 11 of the Act, liable to make an annual payment towards the cost of such alteration and for any increased cost of repair or maintenance resulting therefrom in so far as the same may be a reasonable improvement connected with the maintenance and repair of such roads subject to s. 11 (3) of the said Local Government Act, 1888.
6. That the county council is not liable to make any payment in respect of principal of, or interest on, moneys borrowed before the commencement of the Act of 1888.

And this Court gives no opinion on the question whether the county council is liable to make any payment in respect of principal or interest on moneys borrowed since or to be borrowed.

COUNTY COUNCIL OF DERBYSHIRE *v.* URBAN DISTRICT COUNCIL
OF MATLOCK BATH AND SCARTHIN NICK.

[House of Lords.]

[(1896) A. C. 315; 65 L. J. Q. B. 419; 74 L. T. (N.S.) 495;
60 J. P. 676; 12 T. L. R. 350.]

In re MAYOR, ETC., OF BURSLEM AND OTHERS AND THE
COUNTY COUNCIL OF STAFFORDSHIRE.

[Court of Appeal.]

[(1896) 1 Q. B. 24; 65 L. J. Q. B. 1; 73 L. T. 651; 59 J. P. 772; 12 T. L. R. 48.]

In these cases it was held that a county council is liable under sub-s. (2) of s. 11 of the Local Government Act, 1888, to make to an urban authority an annual payment towards the costs of the maintenance and repair of the paved footways upon or at the sides of disturnpiked roads in the urban district, which have become main roads under the Highways and Locomotives (Amendment) Act, 1878. In this respect the decision in the Warminster case was approved.

Ex parte THE COUNTY COUNCIL OF WILTS. AND THE COUNCIL
OF THE BOROUGH OF MARLBOROUGH.

[Queen's Bench Division.]

Before the Lord Chief Justice and Mr. Justice Day, January 26th, 1894. [58 J. P. 213.]

The following questions were submitted for the opinion of the Court:—

1. Whether the obligation of the county council under s. 11, sub-ss. 2 and 3, is to repay annually to "the borough" the actual cost (assuming it to be reasonably and properly incurred) of the maintenance, repair, and reasonable improvement of the said footpaths during the preceding year, whether such cost be normal, or increased by reasonable improvements connected with maintenance and repair, and whether it be defrayed by "the borough" out of current rates, or by means of loans?
2. Or whether by "the annual sum" mentioned in the said sub-sections is meant a fixed annual subsidy for such a period of years as may be agreed upon, calculated upon the normal cost of the maintenance, repair, and reasonable improvement of the said footpaths, and the

proportion of the cost of such permanent improvements attributable to such period?

3. Or upon what other principle under the circumstances above stated the amount of such annual payment should be assessed?
4. When the costs of the maintenance, repair, and reasonable improvement of roads have been defrayed, not out of current rates but out of a loan repayable by instalments, should the amount of such costs for the purpose of any payments to be made by the county council be ascertained with reference to the total amount of the loan, or so much thereof as has been expended within the year upon such costs, or with reference to the amount of the instalments, which "the borough" has to repay during the year, or upon any other, and what, basis of calculation?
5. Was the money borrowed by "the borough" for the purpose of the improvement of the footways, money borrowed before or after the commencement of the Act of 1888, within the decision of "the Westminster case," and in either case are the county council liable to make any payment in respect either of the principal of, or interest on, such moneys, or of the expenditure which was defrayed by means of the same?
6. Has the county council power under the Local Government Act, or any of the Acts incorporated therewith or referred to therein, itself to borrow money for the purpose of repaying to "the borough" any sum which the Court may decide is repayable by them under the provisions herein referred to?

These questions were decided as follows:—

1. In answer to questions 1, 2, and 3 (inclusive), this Court is of opinion that the obligation of the county council under s. 11, sub-ss. 2 and 3, is to repay to "the borough" the actual cost (assuming it to be reasonably and properly incurred) of the maintenance, repair, and

reasonable improvement of main roads during any year, whether such cost be normal or increased by reasonable improvements connected with maintenance and repair, and whether it be defrayed by "the borough" out of current rates or by means of a loan. But in the case of repairs or improvements, the benefits of which may endure for more than one year, the whole of such actual cost for any one year is not necessarily repayable by the county council in that year, the county council being only bound to make such payment annually towards the same (until the whole thereof is repaid), as may be agreed or settled by arbitration.

2. In answer to question 4, this Court is of opinion, that when the costs of the maintenance, repair, and reasonable improvement of main roads have been defrayed, not out of current rates, but out of a loan, the amount of such costs for the purpose of any payments to be made by the county council should be ascertained, not with reference to the total amount of the loan, or so much thereof as has been expended within the year upon such costs, but with reference to the amount of the instalments which the borough has to repay during the year, or the sum which it pays into a sinking fund during the year for the purpose of repaying such loan, as the case may be.

3. This Court gives no opinion as to questions 5 and 6.

In re BEDFORD URBAN SANITARY AUTHORITY AND
BEDFORDSHIRE COUNTY COUNCIL.

[Queen's Bench Division.]

Before Mr. Justice Mathew and Mr. Justice Kennedy, 8th August, 1894. [(1894) 2 Q. B. 876; 64 L. J. Q. B. 26; 71 L. T. (N.S.) 493; 58 J. P. 706.]

A special case was stated for the opinion of the Court under s. 29 of the Local Government Act, 1888.

The town council contended that, under s. 11 (2) and s. 35 (3) of the Local Government Act, 1888, they were entitled to receive from the said county council the entire amount of the costs expended in the maintenance and repair and reasonable improvement connected with the maintenance and repair of the said main roads, subject to the county council being able to dispute any item which is improper or unreasonable.

The county council contended that they were not necessarily liable to pay to the said town council the whole amount expended by them, but only such an amount towards such costs as should be agreed upon between the said county council and the said town council, or as should, in default of agreement, be determined by the Local Government Board under s. 11 (3) of the said last-mentioned Act, having regard to the circumstances of each particular road, *e.g.* the origin, character, and extent of the traffic thereon, and the class of repair and maintenance rendered necessary by reason of such traffic.

The questions submitted for the decision of the Court were—

1. Whether upon the true construction of the sections hereinbefore set out, the contention of the said town council or that of the said county council is correct ?
2. If that of the county council is correct, whether the amount of the payment to be made by the county council is in their discretion subject only to the arbitration of the Local Government Board in case of dispute, or upon what principle the amount should be determined ?

The Court decided that the contention of the said county council was correct. In the course of his remarks, Mr. Justice Mathew expressed the opinion that, in sub-s. (2) of s. 11 of the Local Government Act, 1888, the Legislature had contemplated a case which would ordinarily arise, namely, that the whole amount should not be necessarily contributed by the county council.

SANDGATE URBAN DISTRICT COUNCIL v. COUNTY COUNCIL
OF KENT.

[House of Lords.]

[(1898), 79 L. T. (N.S.) 425; 15 T. L. R. 59.]

In this case, which had reference to the liability of the county council to contribute towards the maintenance and repair of a sea wall and groynes between the main road and the sea, the question was raised as to the meaning of the expression "annual payment" in s. 11 (2) of the Local Government Act, 1888. It was held that by this expression was meant a payment to be determined each year in respect of the expenditure of the particular year and not an amount to be arrived at by taking the average expenditure over a series of years.

II. REDUCING MAIN ROADS TO THE STATUS OF ORDINARY HIGHWAYS.

Statutory provisions.—Section 16 of the Highways and Locomotives (Amendment) Act, 1878 (41 & 42 Vict. c. 77), as amended by s. 4 of the Highways and Bridges Act, 1891 (54 & 55 Vict. c. 63), empowers the Local Government Board upon the application of the county council to make an order for dismaining any road or part of a road.

Applications to Local Government Board for Orders.—An application to the Local Government Board for an Order reducing a main road or part of a main road to the status of an ordinary highway should be accompanied by—

- (1) A copy of a resolution of the county council directing the application to be made;

NOTE.—The resolution or the report of the committee which it adopts should embody a precise description of the road or part of road which it is desired should be dismained (including information as to its length and the district in which it is situate).

- (2) An ordnance map (mounted on linen) distinguishing by colour the road or part of road proposed to be dis-mained and, by a different colour, any road intended to be mained in lieu thereof. The name of the road and of the district or districts in which it is situated should also be marked on the map.
- (3) A statement giving (a) the name of the Turnpike Trust in which the road was formerly comprised, (b) a reference to the local Act relating thereto, and (c) the precise description of the road in such Act; or, if the road was declared a main road by the county authority, a copy of the provisional and final orders made by the county authority in the matter, the particular road being distinguished if the orders extended to other roads;
- (4) Where the road is situated in a borough, evidence of the consent of the town council to the proposal as required by s. 4 of the Highways and Bridges Act, 1891; and
- (5) A statement of the grounds on which the application is made.

III. DECLARING ROADS TO BE MAIN ROADS.

Jurisdiction of Local Government Board.—The declaring of roads to be main roads is a matter solely for the decision of the county council on an application made to them in pursuance of s. 15 of the Highways and Locomotives (Amendment) Act, 1878, no consent on the part of the Local Government Board being required in the matter.

PART XXXIX.—MARKETS.*

Statutory provisions.—The principal statutory enactments with reference to the provision and regulation of markets by local authorities in England and Wales are contained in the Public Health Act, 1875, and the incorporated provisions of the Markets and Fairs Clauses Act, 1847 [10 & 11 Vict. c. 14].

Section 166 of the Act of 1875 enables an urban district council (not the council of a borough), with the consent of the owners and ratepayers of their district, expressed by resolution passed in manner provided by Schedule III. to the Act, and the council of a borough, with the consent of two-thirds of their number, to provide a market, and all such matters and things specified in the section as may be necessary for the convenient use of the market. But no market can be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person without his consent.

Section 167 incorporates certain provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets; but all tolls leviable by an urban authority in pursuance of this section must be approved by the Local Government Board.

The section further enables an urban authority with respect to any market belonging to them to make byelaws for any of the purposes mentioned in s. 42 of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets.

Section 168 provides for the sale of the undertaking of a market company to an urban authority.

Apart from the powers conferred by the Public Health

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. vi. pp. 444—495. "Encyclopædia of Forms and Precedents," vol. viii. pp. 209—229.

Act, 1875, various municipal corporations have acquired market rights by charter or prescription, and many urban authorities have provided and regulate markets in pursuance of the provisions of local Acts and amending Provisional Orders.

Powers of rural district council.—A rural district council are not empowered to establish and regulate a market; and the Local Government Board do not entertain applications under s. 276 of the Public Health Act, 1875, for Orders investing rural district councils with the powers of urban authorities under that Act in relation to markets.

Fairs.—The following extract from a letter of the Local Government Board explains their views in regard to proposals of urban authorities to acquire rights in fairs under the Public Health Act, 1875 :—

“ The Board observe that the resolution purports to authorise “ the purchase by the district council of the tolls of fairs, as “ well as those of markets; but it will be noticed that s. “ 166 of the Public Health Act, 1875, contains no reference “ to fairs, and that, by s. 167, the provisions of the Markets “ and Fairs Clauses Act, 1847, which are incorporated with “ the Public Health Act are only those which relate to “ markets. I am further to inform you that in a case which “ the Board have had occasion to submit for the opinion of “ the law officers of the Crown they were advised that an “ urban authority could not legally purchase or take on lease “ a right of holding or taking tolls for fairs, either with a “ view to the exercise of the rights by themselves or to the “ resale and releasing of the right. The law officers, in “ addition, gave it as their opinion that any conveyance or “ lease which purported to convey or grant to an urban “ authority the right of holding fairs as well as markets would “ be invalid, unless the two parts relating to fairs and to “ markets, respectively, were severable, or unless it were clear “ that no portion of the consideration, if entire, were given “ for that which it was beyond the powers of the urban “ authority to purchase. In view of these considerations it “ would seem necessary for the proposals in the present case “ to be revised so as to exclude the reference to fairs.”

Evidence to the same effect was given by Sir S. B. Provis, K.C.B. (then Assistant Secretary of the Local Government Board), on 4th August, 1887, before the Royal Commission on Market Rights and Tolls (see replies to Questions 29 and 30).

Borrowing powers.—The borrowing of money by an urban authority under the Public Health Act, 1875, for market purposes is subject to the provisions of ss. 233 and 234 of that Act which (*inter alia*) make the borrowing subject to the sanction of the Local Government Board.

The borrowing powers conferred by the Municipal Corporations Act, 1882, are available for the purposes of markets held by town councils as municipal corporations; and, in these cases also, the approval of the Local Government Board is required to the borrowing (s. 72 of the Local Government Act, 1888). It appears, however, from the tables contained in the annual reports of the Local Government Board that, whereas many loans have been sanctioned to town councils under the Public Health Act, 1875, for market purposes, the instances in which the approval of the Board has been given to the borrowing of money for such purposes by town councils under the Municipal Corporations Act, 1882, are of rare occurrence. It is of course competent to a town council, in whom a market is vested in their municipal capacity, to transfer the market to themselves as a sanitary authority. The chief advantage attaching to this procedure, apart from the desirability of making the market subject to a Public General Statute which expressly deals with the provision and regulation of markets by local authorities, is that a term of *sixty years* may be obtained for the purchase of land where a loan is raised under the Public Health Act, 1875, whereas the maximum period which can be allowed for the repayment of money borrowed under the Municipal Corporations Act, 1882, is *thirty years*. In the event of a town council being desirous of adopting the course referred to, they should pass a resolution as provided in s. 166 of the Public Health Act, 1875, and, if they also propose to raise a loan, the particulars

required to be furnished to the Local Government Board in the case of a town council applying for their sanction to borrow money under that Act for market purposes should be forwarded.

It may be added that various local authorities are empowered to borrow for market purposes under local Acts and amending Provisional Orders; in some cases without any other sanction, and, in others, subject wholly or partly to the sanction of the Local Government Board.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them for market purposes are as follows:—

PURCHASE OF LAND and MARKET RIGHTS	60 years (where Act allows)
BUILDINGS (stone or brick)	30 „
PAVING CATTLE PENS	20 „

Applications for sanction to loans.—I. **LOANS UNDER PUBLIC HEALTH ACT, 1875.**—An application by an urban authority for the sanction of the Local Government Board to the borrowing of money under the Public Health Act, 1875, for providing a market should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (*a*);
- (2) Plans and sections of the proposed works, together with a map of the district showing by colour the position of the site (*b*);
- (3) A detailed estimate of the cost of the scheme (*c*);
- (4) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district (*d*);
- (5) Information as to whether a provisional agreement has been entered into for the purchase of the land required.

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.

(*d*) See also "FORMS," p. 5.

If, however, the site already vests in the council, it should be stated when, under what statutory authority, and for what purpose the land was acquired. If it was purchased by means of a loan, particulars as to the loan should be supplied ;

- (6) The following proofs of compliance with the provisions of s. 166 of the Act :—

(a) *In the case of a Borough—*

A copy of the resolution of the town council under the section, together with a certificate by the town clerk that such resolution was passed by two-thirds of the number of the council.

NOTE.—In order to avoid any question as to the sufficiency of the resolution for the purposes contemplated and the necessity of taking fresh proceedings in connection with any future requirements, the Local Government Board advise that the resolution should follow as closely as possible the terms of s. 166 and that it should refer to *all* the things mentioned in the section.

(b) *In the case of an Urban District (not a borough)—*

- (i) The requisition on which the meeting of owners and ratepayers to consider the subject was summoned ;
- (ii) A copy of the notice of the meeting ;
- (iii) A certificate that such notice was duly posted on the principal doors of every church and chapel in the district ;
- (iv) A copy of the newspaper or newspapers containing the advertisement of the notice ;
- (v) A copy of the resolution passed at the meeting under the hand of the summoning officer. If a poll of owners and ratepayers was demanded and taken, it should be stated what numbers voted for and against the adoption of the resolution ;

- (vi) A certificate by the summoning officer of the due posting of the resolution so passed; and
- (vii) A copy of each of the newspapers in which the resolution was advertised for three successive weeks.

N.B.—As to the terms of the resolution, see the note to (a) above.

Where a loan is required for the *purchase of the undertaking* of a market company, the following additional particulars should be furnished:—

- (7) Information as to whether the company is registered under the Companies Act, 1862;
- (8) Evidence that a resolution to sell the rights, powers, privileges, and property of the company has been duly passed in accordance with the provisions of s. 168 of the Public Health Act, 1875;
- (9) A copy of the agreement proposed to be entered into with the company in the matter;
- (10) A valuation by an independent valuer of the property proposed to be acquired; and
- (11) Information as to the date on which the market was opened by the company, the present amount of the capital of the company, and the annual dividends paid during the last ten years or any less period for which the company may have been established.

In connection with applications for further loans for the extension or improvement of markets, it will be sufficient if the particulars mentioned in (1)—(5) are supplied. A map of the district showing the position of the site will not, however, be necessary if one has been sent on the occasion of a previous application.

II. LOANS UNDER MUNICIPAL CORPORATIONS ACT, 1882.—An application by a town council to the Local Government Board under the Municipal Corporations Act, 1882, as amended by s. 72 of the Local Government Act, 1888, for their approval of the borrowing of money for the purposes of a market held by

the council in their municipal capacity should be embodied in a memorial (on paper of foolscap size) under the corporate seal. The memorial should (*inter alia*) state how the market vests in the council in their municipal capacity, whether they have considered the desirability of making the market subject to the provisions of the Public Health Act, 1875, and, if so, on what grounds the council are unwilling to take this course (*a*).

The memorial should be accompanied by—

- (1) A copy of the notice given in pursuance of s. 236 of the Municipal Corporations Act, 1882, endorsed with a certificate to the effect that the notice has been affixed to the town hall for one month prior to the date of the application, and that the application itself has been open to public inspection during that period ;
- (2) Plans and sections of the proposed works, together with a map of the borough showing by colour the position of the site (*b*) ;
- (3) A detailed estimate of the cost of the scheme (*c*) ;
- (4) Information, as regards any land required, as to whether a provisional agreement for purchase has been entered into ; and
- (5) Particulars (in Form K, No. 55 (*d*)) as to the rateable value and existing debt of the borough.

Byelaws and tolls.—I. BYELAWS.—The following notes should be read in conjunction with the remarks on pp. 200 *et seq.*, as to the manner in which applications should be made to the Local Government Board for their confirmation or allowance of byelaws and regulations.

Under s. 167 of the Public Health Act, 1875, an urban authority may, with respect to any market belonging to them, make byelaws for any of the purposes mentioned in s. 42 of the Markets and Fairs Clauses Act, 1847 ; and the confirmation of

(*a*) As to this, see the remarks on p. 558.

(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.

(*d*) See also "FORMS," p. 5.

any such byelaws by the Local Government Board is required in pursuance of s. 184 of the Act of 1875.

The Board have prepared model byelaws on this subject, and these have been placed on sale, viz. :—

Series V. Markets. [8vo. 1903. Price 2d.]

A memorandum of the Board, dated March, 1903, as to the powers of urban authorities in the matter and the scope of the model byelaws is prefixed to the published copies.

When submitting the drafts of any proposed byelaws on this subject to the Board for their preliminary approval, it should be stated under what statutory authority the markets were provided and whether there is any local Act or amending Provisional Order in force affecting the markets. In the latter case a reference to the particular provisions bearing on the matter should be given.

II. TOLLS.—It is provided by s. 167 of the Public Health Act, 1875, that all tolls leviable by an urban authority in pursuance of that section shall be approved by the Local Government Board, but no such approval is required with respect to stallages and rents.

A model table of tolls has not been issued by the Local Government Board.

In submitting drafts of the proposed tolls to the Board for their preliminary approval, similar information to that indicated as being necessary in the case of byelaws for markets should be supplied together with a certificate under s. 32 of the Markets and Fairs Clauses Act, 1847, as to the markets being completed and fit for use.

Parliamentary Papers (a).—A Royal Commission was appointed on 5th July, 1887, “to inquire as to the extent to “which market rights are in the hands of (1) local authorities, “(2) trading companies, and (3) private persons or bodies of “persons other than trading companies; and to inquire generally

(a) As to how these papers may be obtained, see under Part XLVI., “Parliamentary and other Papers.”

“how and under what authority such rights are exercised, what
 “are the revenues in respect of those rights, distinguishing the
 “receipts from tolls, rents, stallages, and other dues from other
 “sources of receipts; what is the accommodation given in
 “return for the charges levied; in what ratio market tolls and
 “dues stand to the value of the marketable commodities on
 “which they are levied, and how far market rights, market
 “byelaws and regulations, market tolls, rents, stallages, and
 “dues, and tolls affecting market towns, are restrictive of trade;
 “and to report as to the advisability of local authorities
 “acquiring existing market rights, and the arrangements
 “desirable for that purpose, and as to the advisability of
 “prohibiting the farming by local authorities of market tolls,
 “rents, stallages, and other dues, and the placing of restrictions
 “on the sale of goods outside the market that may be lawfully
 “sold in the market, and also of providing that the tolls, etc.,
 “of markets held by local authorities shall from time to time
 “be revised with the view to their being regulated by the
 “necessary expenditure in connection with the markets, and
 “that such markets shall be free and open when the capital
 “charges in respect of them have been paid off by the incomes
 “from the markets or otherwise, and also to report generally
 “as to the alterations which may be desirable in the existing
 “law relating to markets, having due regard to the interests of
 “those concerned.”

The results of this commission, so far as England and Wales are concerned, are embodied in the following reports, etc., which are published as Parliamentary Papers :—

ROYAL COMMISSION ON MARKET RIGHTS AND TOLLS.

VOL. I. FIRST REPORT of the Commissioners and report by Mr. C. I. Elton, Q.C., M.P., and Mr. B. F. C. Costelloe, Assistant Commissioner, on Charters and Records relating to the History of Fairs and Markets in the United Kingdom; with an appendix of Charters, List of Fairs, etc. [*Cd.* 5,550. 1888. *Price* 2s. 6d.]

VOL. II. MINUTES OF EVIDENCE taken before the Commissioners in England up to 31st July, 1888. [*Cd.* 5,550—i. 1888. *Price* 3s. 4d.]

- VOL. III. MINUTES OF EVIDENCE taken in England before Mr. A. J. Ashton, Assistant Commissioner, to 31st October, 1888, with his reports on Markets. [*Cd.* 5,550—ii. 1888. *Price* 3s. 5*d.*]
- VOL. IV. MINUTES OF EVIDENCE taken in England before Mr. C. M. Chapman, Assistant Commissioner, to 31st October, 1888, with his reports on Markets. [*Cd.* 5,550—iii. 1888. *Price* 4s. 1*d.*]
- VOL. VII. MINUTES OF EVIDENCE taken before the Commissioners in England, Scotland, and Ireland to June, 1890. [*Cd.* 6,268—i. 1890—1891. *Price* 5s. 4*d.*]
- VOL. VIII. MINUTES OF EVIDENCE taken in England before Mr. A. J. Ashton, Assistant Commissioner, since 1st November, 1888. [*Cd.* 6,268—ii. 1890—1891. *Price* 1s. 9*d.*]
- VOL. IX. MINUTES OF EVIDENCE taken in England before Mr. C. M. Chapman, Assistant Commissioner, since 1st November, 1888. [*Cd.* 6,268—iii. 1890—1891. *Price* 4s. 9*d.*]
- VOL. XI. FINAL REPORT of the Commissioners. [*Cd.* 6,268. 1890—1891. *Price* 3s. 10*d.*]
- VOL. XII. PRÉCIS OF MINUTES OF EVIDENCE taken before the Commissioners and Assistant Commissioners. [*Cd.* 6,268—v. 1890—1891. *Price* 2s. 2*d.*]
- VOL. XIII. PART I.—Statistics relating to Markets in London, and also to Markets owned by Local Authorities in England and Wales. [*Cd.* 6,268—vi. 1890—1891. *Price* 3s. 3*d.*]
- VOL. XIII. PART II.—Statistics relating to Markets in England and Wales owned by persons other than Local Authorities. [*Cd.* 6,268—via. 1890—1891. *Price* 6s. 0*d.*]

The under-mentioned return is the only other parliamentary paper to which special attention need be drawn :—

RETURN in respect of Markets in each Municipal Borough, Improvement Act District, Local Government District, and Contributory Place in each Rural Sanitary District in England and Wales, giving name of place in which the market is held, gross receipts during 1885, to whom market rights belong and how they were acquired, whether and how tolls are leased, whether markets are held in streets, what accommodation has been provided, by whom, and at what cost, etc. [No. 221—*Sess. 1. 1886. Price 1s. 2d.*]

PART XL.—MILITARY LANDS ACT, 1892 TO 1903.*

Powers of local authorities.—County councils and town councils possess certain powers with respect to the acquisition and leasing, etc., of land for military purposes under the Military Lands Acts, 1892 to 1903, which is the collective title given to the under-mentioned statutes:—

MILITARY LANDS ACT, 1892 (55 & 56 Vict. c. 43) ;

MILITARY LANDS ACT, 1897 (60 Vict. c. 17) ;

MILITARY LANDS ACT, 1900 (63 & 64 Vict. c. 56) ; and

MILITARY LANDS ACT, 1903 (3 Edw. 7, c. 47) ;

The council of a county or borough are empowered under the Act of 1892, at the request of one or more volunteer corps (including a yeomanry corps) and on their behalf, to purchase and hold land for military purposes (ss. 1 (3), 19) ; and land so acquired may be let by the council in any manner consistent with the use thereof for military purposes (s. 3).

The expression "land" includes any easement in or over land and any right of firing over lands or other right of user and the bed of the sea or any tidal water, and any right of interference with the free use of any land (55 & 56 Vict. c. 43, s. 23 ; 63 & 64 Vict. c. 56, s. 3) ; while "military purposes" include rifle or artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State for War (55 & 56 Vict. c. 43, s. 23).

The council of a county or borough may lease the land or any part thereof acquired in the manner aforesaid to any volunteer corps for military purposes for a period not exceeding ninety-nine years (3 Edw. 7, c. 47).

* BIBLIOGRAPHY.—"Encyclopædia of Local Government Law," vol. iii. p. 13 ; vol. iv. pp. 200—218.

Further, s. 1 of the Military Lands Act, 1903, provides that any such council may, at the request of one or more volunteer corps, by agreement hire land on behalf of the volunteer corps for military purposes, for a period not less than twenty-one years, and may contribute towards the expenses incurred by another council in purchasing or hiring land for those purposes, and the expenses of so hiring or contributing may be defrayed in the same manner as expenses of purchasing, and the payment of those expenses so far as they are in the nature of capital expenses, is a purpose for which the council may borrow (sub-s. (1)) ; and land hired under this section on behalf of one or more volunteer corps may be leased to the volunteer corps in like manner as land held by any such council under s. 1 (3) of the Act of 1892, and s. 1 of the Act of 1900 is to apply accordingly (sub-s. (2)).

Moreover, a county council or town council may in pursuance of s. 2 of the Act of 1892, petition the Secretary of War for the issue of a Provisional Order for the compulsory purchase of land for the purposes of the Military Lands Acts.

Borrowing powers.—1. COUNTY COUNCILS.—There is no provision in the Military Lands Acts, 1892 to 1903, expressly authorising a county council to borrow for the purchase of land for the purposes of those Acts, where they themselves are the purchasers, but the borrowing powers conferred by s. 69 (1) (b) of the Local Government Act, 1888, are available for this purpose.

The expenses of hiring land or of contributing towards the expenses incurred by another council of a county or borough in purchasing or hiring land, so far as they are in the nature of capital expenses, are, however, declared by s. 1 (1) of the Military Lands Act, 1903, to be a purpose for which the council of a county or borough may borrow.

The borrowing of money by a county council for these purposes is subject to the consent of the Local Government Board under s. 69 of the Local Government Act, 1888. The Local Government Board hold that the Military Lands Acts do not

authorise a county council or town council to borrow for the erection of buildings for military purposes.

2. **TOWN COUNCILS.**—The borrowing of money by town councils for the purposes of acquiring land under the Military Lands Acts is subject to the provisions of ss. 233 and 234 of the Public Health Act, 1875, as applied by s. 6 of the Military Lands Act, 1892, and s. 1 (1) of the Military Lands Act, 1903; and consequently requires the sanction of the Local Government Board thereto.

Periods for repayment of loans.—The maximum period which can be allowed by the Local Government Board for the repayment of a loan sanctioned to a county council for the purposes of the Military Lands Acts is *thirty* years (s. 69 (5) of the Local Government Act, 1888); but a period of *sixty* years may be granted in the case of a loan to a town council by virtue of s. 234 (4) of the Public Health Act, 1875. If, however, the money is borrowed from the Public Works Loans Commissioners, the loan must be repaid within a period not exceeding *fifty* years (s. 7 (2) of the Military Lands Act, 1892).

Applications for sanction to loans.—An application to the Local Government Board to authorise the borrowing of money by the council of a county or borough for the purposes of the Military Lands Acts should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (*a*);
- (2) A statement showing how the amount proposed to be borrowed is made up;
- (3) A plan showing the land to be purchased or hired, and its surroundings (*b*);
- (4) Information as to whether a provisional agreement has been entered into for the purchase or hiring of the land. In the latter case, full particulars as to the terms of hiring should be supplied;

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

- (5) A statement of the circumstances under which the application is made; and
- (6) Particulars in the appropriate official form (a) as to the rateable or assessable value and debt of the county or borough, as the case may be.

In the case of an application by a town council, it should also be stated whether the council propose to borrow the money from the Public Works Loan Commissioners, if any decision on this point has been arrived at.

Loans authorised by Local Government Board.—The tables contained in the annual reports of the Local Government Board show that loans have been sanctioned to the under-mentioned councils for purposes of the Military Lands Acts :—

COUNTY COUNCILS of Middlesex and East Riding of Yorkshire. (Up to 31st March, 1907.)

TOWN COUNCILS of Birmingham, Bootle, Burslem, Chesterfield, Dover, Great Yarmouth, Norwich, and Nottingham. (Up to 31st December, 1906.)

Appropriation and sale of land.—Section 8 (3) of the Military Lands Act, 1892, enacts that if the volunteer corps on whose behalf land is acquired under the Act by a county or borough council is disbanded, the council may either appropriate the land to any purpose approved by the Local Government Board, or sell it for the best price that can be reasonably obtained, and any money arising from the sale shall be applied towards repaying any money borrowed for the purchase of the land, and so far as not required for that purpose shall be applied to any purpose to which capital moneys are properly applicable, and which is approved by the Local Government Board.

It will be observed that the appropriation of the land in the circumstances mentioned is subject to the approval of the

(a) Form K, No. 15, should be used in the case of an application by a county council, and Form K, No. 2, when the application is made by a town council. See also "Forms," p. 5.

Local Government Board, but that their sanction is not necessary to its sale nor to the application of the sale proceeds towards repaying any money borrowed for the purchase of the land. It is incumbent on the council to apply the sale proceeds in this manner, and it is only as regards the application of any money not required for this purpose that the sanction of the Local Government Board is necessary.

An application by the council of a county or borough for the Board's approval of the *appropriation* of land under the enactment above referred to should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made;
- (2) A plan on tracing cloth (in duplicate) of the land to be appropriated (a) ;
- (3) A full statement of the circumstances under which the application is made, and of the proposals with respect to the appropriation of the land;
- (4) Particulars as to when and out of what funds the land was purchased by the council. If the cost was defrayed out of a loan, particulars of the loan should be given; and
- (5) Information as to whether the council have, in accordance with the proviso to sub-s. (3) of s. 8 of the Act of 1892, offered to sell the land to the person entitled to the land from which the same was originally severed, and, if so, whether such offer has been refused. A copy of the letter conveying the refusal of the offer should be forwarded.

An application to the Board under the provision referred to for approval of the appropriation to some purpose to which capital moneys are properly applicable of the proceeds of the sale of the land, so far as such money is not required for the repayment of any money borrowed for the purchase of the land, should be accompanied by—

(a) See also "PLANS," p. 6, especially para. 11.

- (1) A copy of a resolution of the council directing the application to be made ;

NOTE.—The resolution should specify the amount of the money to which the application relates.

- (2) Information as to when and out of what funds the land was purchased by the council. If the land was acquired by means of a loan, the amount (if any) still outstanding thereon should be stated ;
- (3) Full particulars of the proposals of the council (including plans and detailed estimates of the cost of any works contemplated, and information as to the statutory authority under which the works are to be carried out).

If the money to be applied is insufficient to meet the entire cost of the works (if any) to be carried out, it should be stated how it is proposed to defray the balance ; and, where the council intend to raise a loan with the sanction of the Local Government Board to meet the balance, it would seem convenient that the application to the Board for sanction to the loan required should be made at the same time. In the latter case, the particulars usually required to be furnished in connection with an application for sanction to a loan for such works as those contemplated should also be submitted.

Leasing of land belonging to county council.—Under s. 11 of the Military Lands Act, 1892, a county council are empowered, with the consent of the Local Government Board, to grant a lease of any land belonging to them to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, but a lease under that section will cease to have effect if the land ceases to be used for military purposes (sub-ss. 1 (d), (2)).

An application by a county council to the Local Government Board for consent to lease land under this enactment should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made ;

- (2) A small plan in duplicate (on tracing cloth) of the land proposed to be leased (a) ;
- (3) Information as to when, under what statutory authority, and for what purpose the land was acquired by the council ; and
- (4) A full statement of the circumstances under which the application is made and of the proposals of the council (including precise information as to the period, terms, and conditions for, on, and subject to which the land is to be leased).

(a) See also "PLANS," p. 6, especially para. 11.

PART XLI.—MORTUARIES, PLACES FOR POST-MORTEM EXAMINATIONS, AND ACCOMMODATION FOR INQUESTS.*

Statutory provisions.—The statutory provisions which expressly refer to the provision and management of mortuaries, post-mortem buildings, and accommodation for inquests by local authorities in England and Wales are contained in the under-mentioned enactments :—

Mortuaries.

PUBLIC HEALTH ACT, 1875, s. 141 ;

PUBLIC HEALTH (LONDON) ACT, 1891, ss. 88, 89, 91, 93, and 105 (1) ; and

BURIAL ACT, 1852, s. 42 (applied to places outside the Metropolis, as defined in that Act, by s. 7 of the Burial Act, 1853).

Post-mortem buildings.

PUBLIC HEALTH ACT, 1875, s. 143 ; and

PUBLIC HEALTH (LONDON) ACT, 1891, ss. 90, 91, 105 (2) (e), 133 (e).

Inquest accommodation.

PUBLIC HEALTH (LONDON) ACT, 1891, s. 92 (as amended by the London County Council (General Powers) Act, 1897, s. 50), and s. 105 (2) (e).

1. **Mortuaries.**—Under s. 141 of the Public Health Act, 1875, a town council, urban district council, or rural district council may, and if required by the Local Government Board

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iv. pp. 511, 512.

shall, provide and fit up a proper place for the reception of dead bodies before interment (in the Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body which may be received into a mortuary.

A similar provision is contained in s. 88 of the Public Health (London) Act, 1891, with respect to the provision, etc., of mortuaries by sanitary authorities in the administrative county of London; and further powers in regard thereto are conferred on such authorities by ss. 91 and 105 of that Act. The London County Council are also empowered to provide and fit up one or two suitable buildings as mortuaries under s. 93. The Local Government Board have, however, no jurisdiction under those enactments except in regard to the making of byelaws by sanitary authorities, as defined by the Act, with respect to the management and charges for use, etc., of such buildings.

Mortuaries may be provided by burial authorities acting under the Burial Acts in pursuance of s. 42 of the Act of 1852, as extended to places outside the Metropolis by s. 7 of the Act of 1853. See also s. 6 of the Burial Act, 1855, as amended by s. 4 of the Burial Act, 1900.

2. Post-mortem buildings.—Under s. 143 of the Public Health Act, 1875, a town council, urban district council, or rural district council may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such place.

The Common Council of the City of London and the metropolitan borough councils are empowered to provide and maintain post-mortem buildings under ss. 90 and 91 of the Public Health (London) Act, 1891, and metropolitan borough

councils may be required by the London County Council to provide and maintain such buildings, but that council possesses no such power in regard to the Common Council of the City of London (*ib. ss. 90 and 133 (c)*).

3. Inquest accommodation.—Local authorities outside London have no power under the general law to provide accommodation for the holding of inquests, but the London County Council, the Common Council of the City of London, and the metropolitan borough councils are empowered to provide such accommodation under s. 92 of the Public Health (London) Act, 1891, as amended by s. 50 of the London County Council (General Powers) Act, 1897.

Borrowing powers.—Town councils, urban district councils, and rural district councils are empowered to borrow money under the Public Health Act, 1875, for the purpose of providing *mortuaries* and *places for post-mortem examinations*, subject to the sanction of the Local Government Board (*ss. 233, 234*).

Metropolitan borough councils have power to borrow under s. 105 of the Public Health (London) Act, 1891, for the provision of mortuaries, buildings for post-mortem examinations, and accommodation for the holding of inquests; but the consent of the Local Government Board is only required where money is to be borrowed by such councils for *post-mortem buildings* and *accommodation for inquests*.

The borrowing of money by burial authorities acting under the Burial Acts for the provision of *mortuaries*, is subject to the provisions of those Acts.

Period for repayment of loans.—A period of thirty years is usually allowed by the Local Government Board for the repayment of loans sanctioned by them for the erection of buildings for mortuaries, post-mortem examinations, and inquests. As regards loans sanctioned to sanitary authorities in London, a period for the repayment of the loan is fixed to provide for cases in which the money is borrowed under the London

County Council (Money) Acts or any other enactment requiring the Board's consent to the period for repayment. See also the remarks on p. 129.

Applications for sanction to loans.—1. **MORTUARIES.**—An application by a local authority for the sanction of the Local Government Board to the borrowing of money under the Public Health Act, 1875, for providing a mortuary should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (*a*) ;
- (2) Plans, sections, and elevations of the proposed building, and a plan showing the site and its relation to surrounding lands and buildings, together with the points of the compass (*b*) ;

NOTE.—The plans should carry out the suggestions contained in the memorandum of the Local Government Board, dated 25th July, 1882, prefixed to the octavo copies of their Model Byelaws as to Mortuaries (*c*), and should also show the drainage arrangements. In the latter connection the Board recommend that buildings of this kind should be drained by means of channels in the floor with moveable iron covers, discharging through an opening in the wall to an outside gully.

- (3) A detailed estimate of the cost of the scheme (*d*) ;
- (4) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the local authority, it should be stated when, under what statutory authority, and for what purpose the land was acquired ; and
- (5) Particulars (in Form K, No. 2 (*e*)) as to the assessable value and existing debt of the district.

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) For further information as to these byelaws, see p. 579.

(*d*) A form is not provided by the Local Government Board for this purpose. See also "ESTIMATES," p. 4.

(*e*) See also "FORMS," p. 5.

2. POST-MORTEM BUILDINGS.—Similar particulars should be forwarded in the case of an application by a local authority for sanction to borrow money under the Public Health Act, 1875, for the erection of a building for post-mortem examinations. It will, however, be observed that s. 143 of the Act prohibits the provision of a place for post-mortem examinations at a mortuary; and the Local Government Board require that any post-mortem room to be provided under that Act in connection with a mortuary shall be quite distinct and separated from it by a clear intervening space, the separation of the two buildings to be as great as the site will allow.

An application by a sanitary authority under the Public Health (London) Act, 1891, for sanction to a loan for this purpose should be accompanied by the particulars indicated in (1)—(4) on p. 577, together with—

- (5) A return (in tabular form) showing the rateable value of the borough, the several loans contracted by the borough council and their predecessors and not yet wholly repaid, the precise purpose of each loan, the period allowed for repayment, the date of borrowing of each loan or instalment of a loan (where the loan has been raised by instalments), the particular method of repayment, and the total amount already repaid or set aside for the discharge of each loan (*a*); and
- (6) Where the building is to be provided for a mortuary as well as for post-mortem examinations, an apportionment of the amount proposed to be borrowed between the two purposes.

ACCOMMODATION FOR INQUESTS.—Similar information should be furnished by a sanitary authority in connection with an application for sanction to borrow money under the Public Health (London) Act, 1891, for providing accommodation for the holding of inquests; and a copy of the agreement entered into in the matter with the London County Council under s. 92 of the Act as extended by s. 50 of the London County Council (General Powers) Act, 1897, should also be forwarded.

(*a*) A form is not provided by the Local Government Board, but Form K, No. 2, could be adapted for this purpose.

Byelaws.—The following remarks should be read in conjunction with the general instructions given on pp. 200 *et seq.*, as to the manner in which applications should be made to the Local Government Board for their confirmation or allowance of byelaws and regulations.

Under s. 141 of the Public Health Act, 1875, a town council, urban district council, or rural district council, may make byelaws with respect to the management and charges for the use of a mortuary provided under that Act, and for fixing charges for the decent and economical interment of any dead body which may be received into a mortuary.

A similar power is conferred on sanitary authorities in the Administrative County of London, that is to say, the Common Council of the City of London and metropolitan borough councils, by s. 88 of the Public Health (London) Act, 1891.

The confirmation of the Local Government Board is required to the making of byelaws under both these enactments, the provisions of s. 184 of the Act of 1875 being applicable in each case (see s. 114 of the Act of 1891 as regards byelaws made under that Act).

The Board have prepared model byelaws under s. 141 of the Public Health Act, 1875, and these have been placed on sale, viz.—

Series XV. Mortuaries. [8vo. 1896. Price 2d. (a).]

A memorandum, dated 25th July, 1882, is prefixed to the published copies, containing observations of the Local Government Board as to the extent to which local authorities should avail themselves of their power of making byelaws and as to other means by which they may provide for the efficient management of the mortuary and for the removal and reception of the dead with least danger to the living. Some valuable suggestions are embodied in the memorandum with respect to the selection of a site for the mortuary, the character, etc., of the buildings which should be provided, and the administrative arrangements to be made. The octavo copies also contain

(a) Copies can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

a ground floor plan of a mortuary suitable for a town of 100,000 inhabitants.

Model byelaws as to mortuaries under the Public Health (London) Act, 1891, have not been issued by the Board; but any byelaws which it may be proposed to make on the subject under that Act should be based on the model series under the Public Health Act, 1875.

The making of regulations under s. 143 of the last-mentioned Act and s. 90 of the Act of 1891 for the management of post-mortem buildings are not subject to confirmation by the Local Government Board.

PART XLII.—MUSEUMS AND GYMNASIUMS.*

Statutory provisions.—The principal statutory enactments relating to the provision and management of museums and gymnasiums by local authorities in England and Wales are contained in the Museums and Gymnasiums Act, 1891 (54 & 55 Vict. c. 22); but important provisions with reference to museums are also included in the Public Libraries Acts, 1892 to 1901.

The Common Council of the City of London and a metropolitan borough council as regards London, and a town council or urban district council as regards districts outside London, may, subject to the restrictions as to expenditure imposed by s. 10 (5) of the Museums and Gymnasiums Act, 1891 (*a*), provide and maintain museums for the reception of local antiquities or other objects of interest, and gymnasiums with all the apparatus ordinarily used therewith, and may erect any buildings, and generally do all things necessary for the provision and maintenance of such museums and gymnasiums; and they may purchase land by agreement, and appropriate land for such purposes (Museums and Gymnasiums Act, 1891, ss. 4, 11; and Public Libraries Act, 1901, s. 13).

A public museum may also be provided by a library authority in pursuance of s. 11 (1) of the Public Libraries Act, 1892, while a gymnasium may be established for a certain period of the year in a swimming bath under s. 5 of the Baths and Washhouses Act, 1878. For further information as to the powers of local authorities under the Acts referred to, see Parts VI. and XXXIII.

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iv. pp. 109—135.

(*a*) The amount expended in any year under the Act of 1891 is not to exceed the amount produced by a rate of a halfpenny in the pound for a museum, and a like rate for a gymnasium.

The provisions of the above-cited Acts, as well as those of the Museums and Gymnasiums Act, 1891, are only in force in districts which have adopted these enactments. The Act of 1891 cannot, however, be adopted for a rural parish.

Apart from the statutory provisions to which reference has already been made, it appears from the Report of the Select Committee on Repayment of Loans (1902), that loans are sanctioned by the Local Government Board for the provision of gymnastic appliances as accessories to public pleasure grounds.

Adoption of Museums and Gymnasiums Act, 1891.—Section 3 of this Act prescribes the mode in which the Act may be adopted by any urban authority for their district either wholly or so far as it relates to museums only or to gymnasiums only.

The adoption is to be by a resolution passed at a meeting of the urban authority after the prescribed notice, and the resolution is required to be published, and a copy sent to the Local Government Board.

The expression “urban authority” as used in this Act includes a town council or urban district council as regards districts outside London, and the Common Council of the City of London and a metropolitan borough council with respect to areas within the administrative county of London (Museums and Gymnasiums Act, 1891, s. 14, as applied or extended by Public Libraries Act, 1901, s. 13, and Local Government Act, 1894, s. 21).

Although a copy of the resolution passed by the authority is required to be sent to the Local Government Board, the consent of that Board is not necessary to the adoption. It would seem desirable that the copy of the resolution should be accompanied by the under-mentioned particulars in proof of due compliance with the statutory requirements :—

- (i) A copy of the special notice referred to in sub-s. (2) of s. 3, endorsed as to date and mode of service ;
- (ii) A copy of the newspaper or newspapers containing the advertisement of the resolution in accordance with sub-s. 3 ; and

- (iii) A copy of the notice of the resolution given under sub-s. (3) endorsed with a certificate that the notice was affixed to the principal doors of every church and chapel in the district in the place to which notices are usually affixed; and stating in what other way (if any) notice of the resolution was given.

In framing the resolution, care should be taken to comply with the requirements in the latter part of sub-s. (3) as to the date to be fixed for the operation of the resolution.

It is stated in the thirty-sixth Annual Report of the Local Government Board that, up to 31st December, 1906, the Museums and Gymnasiums Act, 1891, had been adopted by forty-six urban authorities as to the whole Act, by twenty-seven as to museums only, and by four as to gymnasiums only.

Borrowing powers.—Where the Museums and Gymnasiums Act, 1891, has been adopted, power to borrow money for the purposes of the Act, subject to the sanction of the Local Government Board, is conferred on town councils and urban district councils by s. 10 (3) of that Act, and on the Common Council of the City of London and metropolitan borough councils by that sub-section as extended by s. 13 of the Public Libraries Act, 1901.

Section 10 (3) of the Act of 1891 for the purpose of borrowing by an urban authority incorporates the provisions of ss. 233, 234, 236—239, 242, and 243 of the Public Health Act, 1875.

The borrowing powers of the Public Libraries Acts are also available for the purposes of a *museum* provided under those Acts. As to these, see p. 499.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes connected with the provision of museums and gymnasiums are as follows :—

Land (purchase of freehold)	. . . . .	60 years.
Buildings	. . . . .	30 „
Furniture, fittings, and gymnastic appliances	. . . . .	10 to 15 „

Applications for sanction to loans.—An application by a local authority to the Local Government Board for sanction to borrow money for the provision of a museum or gymnasium under the Museums and Gymnasiums Act, 1891, should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (*a*) ;
- (2) Proofs of the adoption of the Act, unless these have already been furnished (*b*) ;
- (3) Plans, sections, and elevations of the proposed building (*c*) ;
- (4) A certificate by the council's surveyor that the plans comply in all respects with the byelaws (if any) as to buildings in force in the district, or with the provisions of the London Building Acts (as the case may be) ;
- (5) A detailed estimate of the cost of the scheme (*d*), together with a priced list of any furniture or appliances to be provided ;
- (6) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the council, it should be stated when, under what statutory authority, and for what purpose the land was acquired, and if it was purchased by means of a loan, particulars as to the loan should be supplied ; and
- (7) A statement (in the form of a balance sheet) of the estimated annual receipts and expenditure for the purposes of the Act, if the scheme is carried out ;

NOTE.—Section 10 (5) of the Act provides that the amount expended in any year shall not exceed the amount produced by a rate of a halfpenny in the pound for a *museum* and a halfpenny in the

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) As to the proofs required, see p. 582.

(*c*) See also "PLANS," p. 6.

(*d*) See also "ESTIMATES," p. 4.

pound for a *gymnasium*. The expenditure side of the statement should show all outgoings, including the annual charge in respect of the proposed loan, if sanctioned. In estimating such charge the periods mentioned on p. 583 should be taken.

- (8) Particulars (in Form K, No. 2 (a)) as to the assessable value and existing debt of the district.

With respect to the particulars which should accompany an application to the Local Government Board for sanction to a loan for the purposes of a *museum* under the Public Libraries Acts, see p. 500.

Appropriation of land, etc.—Section 11 (2) of the Museums and Gymnasiums Act, 1891, enables an urban authority, with the consent of the Local Government Board, to appropriate, for the purposes of the Act, any land which may be for the time being vested in them, or at their disposal.

As to the meaning of the expression “urban authority” as used in this Act, see p. 582.

An application for the consent of the Local Government Board under the provision in question to the appropriation of land for the purposes of the Museums and Gymnasiums Act, 1891, should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made ;

NOTE.—The resolution should specify the particular purpose for which the land is required.

- (2) A small site plan (on tracing cloth) *in duplicate* showing by colour the precise area to be appropriated.

NOTE.—The plan should show sufficient surroundings to clearly indicate the situation of the site, and it should give the superficial area thereof. See also “PLANS,” pp. 6—8, especially para. 11.

(3) Particulars as to when, under what statutory authority, and for what purpose the land was acquired, and why it is no longer needed for such purpose ;

(4) Information as to when the Act was adopted.

If it is proposed to raise a loan for the erection of the building, it would seem desirable that the application for sanction to the loan required should be made at the same time.

With respect to applications for the consent of the Local Government Board to the appropriation of land for the purposes of a *museum* under the Public Libraries Acts, see p. 503.

Section 7 of the Public Libraries Act, 1901, enables an urban authority for whose district the Museums and Gymnasiums Act, 1891, has been adopted, either wholly or so far as it relates to museums only, to appropriate for the purposes of that Act a museum provided for the district under the principal Act (*a*), and thereupon the Museums and Gymnasiums Act, 1891, is to apply to the museum, as if it were provided under that Act.

Sale of museum or gymnasium.—Section 12 of the Museums and Gymnasiums Act, 1891, provides that where it appears to an urban authority (*b*) that a museum or gymnasium which has been established under the Act for seven years or upwards is unnecessary or too expensive, they may, with the consent of the Local Government Board, sell the same for the best price that can reasonably be obtained for the same, and shall convey the same accordingly.

Any monies arising from such sale are to be applied toward the repayment of any money borrowed for the purpose of the museum or gymnasium sold, and, so far as not required for that purpose, are to be applied to any purpose to which capital moneys are properly applicable, and which may be approved by the Local Government Board.

An application for the consent of the Local Government

(*a*) The Public Libraries Act, 1892.

(*b*) As to the meaning of the expression "urban authority" as used in this Act, see p. 582.

Board to the sale of a museum or gymnasium under the provision referred to should be accompanied by—

- (1) A copy of a resolution directing the application to be made;
- (2) A site plan (on tracing cloth) in duplicate (a);
- (3) Information as to when, out of what funds, and under what statutory authority, the museum or gymnasium was provided, and, if the cost of the building was defrayed out of a loan, the amount of debt outstanding thereon (if any);
- (4) A valuation of the property to be sold by a valuer independent of the local authority;
- (5) A statement of the grounds on which it is considered that the building is unnecessary or too expensive, together with a statement of the annual receipts and expenditure in respect of the museum or gymnasium for the last three years; and
- (6) Full particulars of the proposals of the council (including plans and a detailed estimate of cost of any works contemplated) with respect to the disposal of the sale proceeds, so far as such monies are not required for the repayment of any outstanding debt on the museum or gymnasium to be sold.

As to the sale of land vested in a library authority under the Public Libraries Acts for the purposes of a *museum*, see p. 504.

Byelaws.—The following remarks must be read in conjunction with the general instructions on pp. 200 *et seq.*, as to the manner in which applications should be made to the Local Government Board for the confirmation or allowance of byelaws and regulations.

Section 7 (2) of the Museums and Gymnasiums Act, 1891, enables an urban authority (b) to make byelaws for regulating the conduct of persons admitted to the museum or gymnasium,

(a) See also "PLANS," p. 6, especially para. 11.

(b) As to the meaning of the expression "urban authority" as used in this Act, see p. 582.

and by any such byelaw to provide for the removal from the museum or gymnasium of any person infringing any such byelaw by any officer of the urban authority or by any constable, and applies to such byelaws the provisions of ss. 182—186 of the Public Health Act, 1875, and amending enactments.

The confirmation of the Local Government Board is required to the making of byelaws under this enactment in pursuance of the applied provisions of s. 184 of the Act of 1875.

When submitting the draft byelaws to the Board for their preliminary approval, it should be stated when the Act was adopted, and there should be a definite statement that the museum or gymnasium (as the case may be) was provided under the Museums and Gymnasiums Act, 1891.

Regulations made under sub-s. (1) of s. 7 of the Act do not require the approval of the Local Government Board.

As to the making of byelaws with respect to a *museum* provided under the Public Libraries Acts, see pp. 504, 505.

PART XLIII.—OFFICERS OF LOCAL AUTHORITIES.*

Statutory provisions as to appointment, etc.—The appointment, duties, and removal of officers of local authorities are regulated by various statutory provisions and, in some cases also, by certain General Orders of the Local Government Board. These Orders are more particularly dealt with under the next sub-head.

As regards the statutory provisions bearing on these matters, reference may be specially drawn to the following enactments which are classified according to the local authority affected :—

1. BURIAL BOARDS.

BURIAL ACT, 1852, s. 15, as applied to places outside the Metropolis by s. 7 of the Burial Act, 1853.

2. COUNTY COUNCILS.

LOCAL GOVERNMENT ACT, 1888, ss. 3 (x), 17, 18, 75 (16) (e), 83, 84, 118—120.

3. LOCAL AUTHORITIES UNDER SALE OF FOOD AND DRUGS ACTS.

SALE OF FOOD AND DRUGS ACT, 1875, s. 10.

4. LOCAL EDUCATION AUTHORITIES.

ELEMENTARY EDUCATION ACT, 1870, s. 35, and ELEMENTARY EDUCATION ACT, 1876, s. 28, as amended by s. 25 and Part II. of the Fourth Schedule of the Education Act, 1902; and paras. (16)—(21) of the Second Schedule of the last-mentioned Act.

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 2—29, 543—562.

5. METROPOLITAN BOROUGH COUNCILS.

METROPOLIS MANAGEMENT ACT, 1855, ss. 62—65; LONDON
GOVERNMENT ACT, 1899, ss. 25, 30.

6. PARISH COUNCILS.

LOCAL GOVERNMENT ACT, 1894, ss. 5 (1), 17, 81.

7. POOR LAW AUTHORITIES (boards of guardians, etc.).

POOR LAW AMENDMENT ACT, 1834, s. 46.

8. TOWN COUNCILS (as municipal corporations).

MUNICIPAL CORPORATIONS ACT, 1882, ss. 17—21.

9. TOWN COUNCILS (as sanitary authorities), URBAN DISTRICT
COUNCILS, and RURAL DISTRICT COUNCILS.

PUBLIC HEALTH ACT, 1875, ss. 189—196.

The approval of the Local Government Board is only required to the appointment of officers of local authorities in certain cases, see *post*.

Regulations of Local Government Board.—I. SANITARY OFFICERS.—The following are the principal General Orders of the Local Government Board in force with respect to the appointment, duties, remuneration, and tenure of office of officers of sanitary authorities :—

Date of Order.	Officers affected.
March 7, 1900 . .	Public Analyst (Regulations as to competency).
December 8, 1891 .	Medical Officers of Health and Sanitary Inspectors in the Administrative County of London (<i>a</i>).
March 23, 1891 . .	Medical Officers of Health and Inspectors of Nuisances (urban districts).
” ” . .	Ditto (rural districts).
July 19, 1883 . .	Ditto (port sanitary districts).

(*a*) Copies of this Order, known as “The Sanitary Officers (London) Order, 1891,” may be purchased (price 2*d.*), either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

II. POOR LAW OFFICERS.—The appointment, duties, etc., of poor law officers are regulated by various general and other Orders of the Poor Law Commissioners, Poor Law Board, and Local Government Board, among which may be specially mentioned the General Consolidated Order of 24th July, 1847. Many Orders have, however, been made in regard to these matters, some of which are only in force in particular poor law unions and separate parishes.

Extracts from these Orders with reference to the duties of the under-mentioned officers have been issued by the Local Government Board, and may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

“Relieving Officer outside the Metropolis.” Price 4*d*.

“District Medical Officer outside the Metropolis.” Price 2*d*.

“Workhouse Medical Officer.” Price 2*d*.

A circular letter of the Board dated 11th July, 1896, as to the duties of “Relieving Officers” and “Poor Law Medical Officers” is also on sale (price 1*d*).

Appointments requiring approval of Local Government Board.—Appointments in the case of the under-mentioned officers are subject to the approval of the Local Government Board.

I. SANITARY OFFICERS.

LONDON :

Medical Officers of Health and Sanitary Inspectors of Sanitary Authorities in the Administrative County of London (General Order of 8th December, 1891).

OUTSIDE LONDON :

Urban Districts and Rural Districts.—Medical Officers of Health and Inspectors of Nuisances appointed under the General Orders of the Board, dated 23rd March, 1891.

Port Sanitary Districts.—Medical Officers of Health and Inspectors of Nuisances, where Port Sanitary Authority

desire repayment of one-half of salary under s. 24 (2) (c) of the Local Government Act, 1888; and in certain cases of temporary appointments under the General Order of the Board, dated 19th July, 1883.

Local Authorities for purposes of Sale of Food and Drugs Acts.—Public Analysts (s. 10 of the Sale of Food and Drugs Act, 1875).

II. POOR LAW OFFICERS.

Clerk and Assistant Clerk.

Treasurer.

Workhouse, Infirmary, School, or Asylum :

Chaplain.

Dispenser and Assistant Dispenser.

Master, Steward, or Superintendent.

Matron.

Medical Officer and Assistant Medical Officer.

Schoolmaster and Assistant Schoolmaster.

Schoolmistress and Assistant Schoolmistress.

Stocktaker.

Superintendent Nurse, Nurse, and Assistant Nurse.

District :

Dispenser.

Medical Officer.

Superintendent Relieving Officer, Relieving Officer, General Relieving Officer, Assistant Relieving Officer, and Assistant Relieving Officer for Vagrants.

Pay Clerk, Distributor of Outdoor Relief, or Storekeeper.

Parish :

Vestry Clerk.

Metropolis :

All Officers where it is desired that the remuneration should be repaid out of the Metropolitan Common Poor Fund.

It may be added that an Order of the Local Government Board directing the appointment of a paid collector of poor rates is necessary before the guardians can make such an appointment; but the guardians are not required to report the actual appointment made to the Board for their approval (General Order of 7th September, 1899).

Applications for approval of appointments.—Appointments of poor law officers should be reported to the Local Government Board for their approval in the appropriate official forms (a).

As regards medical officers of health and sanitary inspectors to sanitary authorities in the Administrative County of London and medical officers of health and inspectors of nuisances to urban and rural authorities outside that county, one-half of whose salary will be payable by a county council under s. 24 (2) (c) of the Local Government Act, 1888 (as applied to London by s. 108 of the Public Health (London) Act, 1891), or by the town council of a county borough in pursuance of the first-mentioned enactment (as applied by s. 34 (1) of the Act), a proposal for the appointment of a medical officer of health or sanitary inspector or inspector of nuisances (as the case may be) should in the first instance be submitted to the Local Government Board in the official *Form of Proposal* suitable to the case. And in the case of any such officers in which it is proposed to alter the remuneration, particulars of the fresh arrangement contemplated should be submitted to the Board in the official *Form of Proposal*, and notice of the intention of the authority to proceed to the reappointment on altered terms should be given by advertisement pursuant to Art. 3 of the General Orders of 8th December, 1891, or 23rd March, 1891 (whichever applies.)

In the event of the Board deciding to approve of the proposal, a form of queries relative to the appointment made is forwarded to the authority to be filled up before the Board's approval of the actual appointment is given.

Care should be taken, in compliance with Art. 4 of the

(a) These are supplied by the Board on request. See also "FORMS," p. 5.

General Orders of 23rd March, 1891 (where these apply), to specify in the resolution appointing the officer the period for which the appointment is made; and, further, the resolution should not contain any condition which is not in accordance with the regulations in the General Order applicable to the office, as, for example, it should not provide that the officer's appointment shall be determinable at the pleasure of the council or by notice on their part.

The reappointment of an officer should not date from a period prior to the passing of the resolution of the council. In this connection the Local Government Board state that they are not empowered to sanction an appointment for a period during which the officer was not legally in office under their regulations, and that the resolution cannot have a retrospective effect.

Prior to the expiration of the period for which the appointment has been sanctioned by the Board, the council should furnish them with a dated copy of a resolution passed by them making further arrangements for the discharge of the duties of the office.

It would appear that the Local Government Board do not sanction appointments or reappointments of medical officers of health under their regulations with a view to the repayment of a moiety of their salaries by county councils, unless a salary of at least £20 per annum is assigned to the office; and that, where they assent to the employment of a district medical officer as a medical officer of health, their sanction is given in pursuance of the third paragraph of s. 191 of the Public Health Act, 1875. Consequently, in such a case, the council would not be entitled to repayment of a moiety of the salary from the county fund under s. 24 (2) (c) of the Local Government Act, 1888.

In the case of a medical officer of health or inspector of nuisances to a port sanitary authority, a public analyst, or vaccination officer, a preliminary proposal for the appointment of the officer is not required to be submitted to the Board, but the official Form of Queries applicable to the particular case

should be filled up and forwarded to them. With regard to a vaccination officer, the Board also require to be furnished with an undertaking by the officer that he will faithfully and conscientiously carry out the duties of the office in accordance with the Vaccination Acts and the Orders of the Board made thereunder. A form is supplied by them for this purpose.

The remuneration to be assigned to a public analyst does not require the sanction of the Local Government Board; but the salary of a clerk to a rural district council who holds that office by virtue of his having held the office of clerk to the rural sanitary authority on the "appointed day" referred to in the Local Government Act, 1894, is still subject to the sanction of the Board.

With respect to applications to the Board for their sanction to the granting of additional remuneration to officers of rural district councils for extra services and for Orders declaring such remuneration to be chargeable as special expenses upon particular contributory places, see pp. 341, 342.

Poor Law Officers' Superannuation Act, 1896.—This Act gives to officers and servants of boards of guardians and other poor law authorities who, during their service, make the required contributions out of their salaries or emoluments, a right to superannuation on retirement through ill-health or old age, the pensions being calculated on the length of service.

The Local Government Board are chiefly concerned under this Act with (a) proposals of boards of guardians, in pursuance of s. 5, to add a number of years, not exceeding ten, to the length of service for computing the superannuation allowance; and (b) the determination of questions under s. 18 as to the right of officers or servants to a superannuation allowance or as to its amount.

1. ADDITION OF YEARS.—Section 5 of the Act provides that :

"The guardians in computing the amount of superannuation allowance to any officer or servant may, in consideration of peculiar professional qualifications, or of special circumstances, and with the consent of the Local Government

“Board, add a number of years not exceeding ten to the
 “number of years which the officer or servant has actually
 “served in the aggregate.”

An application for the consent of the Local Government Board under this enactment to the addition of a number of years to the service of an officer or servant should be accompanied by—

- (1) A copy of a resolution of the guardians directing the application to be made, and specifying the number of years proposed to be added ;
- (2) A statement of the grounds on which the proposal is based.

NOTE.—It will be observed that an addition of years can only be made in a case where there are *peculiar professional qualifications* or *special circumstances*.

- (3) Information as to date of appointment, and salaries granted since appointment.

2. DETERMINATION OF QUESTIONS.—Section 18 is in the following terms :

“The Local Government Board may, if they think fit,
 “determine any question which may arise between guardians
 “or any other authority to whom this Act applies and any
 “officer or servant, and which may be referred to them by
 “either party, as to the right to or the amount of superannua-
 “tion allowance of such officer or servant, and the decision
 “of the Local Government Board shall be binding and
 “conclusive.”

An application to the Local Government Board under this section should embody a full and clear statement of the facts in reference to the question upon which their determination is required.

In connection with questions arising for determination under this enactment, special attention is directed to the following circular letter of the Local Government Board :

POOR LAW OFFICERS' SUPERANNUATION.

Local Government Board,
Whitehall, S.W.,
10th February, 1898.

SIR,

I AM directed by the Local Government Board to state that they have had occasion to consult the Law Officers of the Crown upon certain questions in connection with the Poor Law Officers' Superannuation Act, 1896, which have arisen in cases referred to the Board for decision under Section 18 of the Act.

Having regard to the opinion given by the Law Officers, the Board consider as follows:—

1. That the "salary and emoluments," within the meaning of the Act, of the Clerk to a board of guardians do not include fees received by him as Returning Officer either, (1) at Elections of Guardians, whether before or after the Local Government Act, 1894, or (2) at the first Election of Parish Councillors, or (3) at the first Election of Rural District Councillors, or (4) at Elections of School Boards.

2. That the Returning Officer at the Election of Guardians is not, for the purposes of the Act, an officer of the Guardians; and that the "salary and emoluments" of a Clerk to the Guardians, who, under Section 81 of the Local Government Act, 1894, holds the office of Clerk to the Rural District Council, do not include his salary or emoluments as Clerk to the Rural District Council.

3. That only the emoluments of the offices or employments actually held by the officer or servant at the time of his retirement can be taken into account in calculating, for the purposes of Section 3 of the Act, the average amount of the salary or wages and emoluments of the officer or servant during the five years referred to in the section. Any emoluments incidental to these offices or employments received by him at any time during the five years should be included, but not the emoluments of distinct offices which he had ceased to hold.

The Board have thought that it might be convenient if the views which, under the advice of the Law Officers, they now entertain, were made known to the Guardians, especially as

the principles which govern the calculation of the superannuation allowances should be applied equally to the calculation of the contributions of the officers.

The Board have also consulted the Law Officers as to whether the provisions of the first paragraph of Section 1 of the Poor Law Officers Superannuation Act Amendment Act, 1897, apply in the case of every appointment of a female nurse by an authority to whom the Act of 1896 applies, or only in the case of her first appointment, and whether these provisions apply in the case of a fresh appointment of a female nurse, who had held office at the commencement of the Act of 1896. Looking to the opinion given by the Law Officers, it appears to the Board that the provisions referred to must be regarded as applying in the case of every appointment of a female nurse made after the passing of the Act of 1897, and that they are not limited to the case of a first appointment, and that the provisions also apply in the case of a fresh appointment of a nurse who had held office at the commencement of the Act of 1896. The appointment after the passing of the Act of 1897 must, however, be a separate and distinct appointment, as would be the case if it were with another authority, or in the case of the same authority, if it were an appointment of a different nature not arising in the ordinary course of promotion incidental to the former appointment, or were a fresh appointment after a discontinuance of service. It further appears to the Board that the provisions of the second paragraph of the section apply in the case of the fresh appointment, between the commencement of the Act of 1896 and the passing of the Act of 1897, of a female nurse who had held office at the commencement of the Act of 1896.

I am, Sir,

Your obedient Servant,

HUGH OWEN,

Secretary,

The Clerk to the Guardians.

The Local Government Board issued an Order dated 27th December, 1906, in pursuance of para. (19) of the Second Schedule to the Education Act, for making such modifications in the Poor Law Officers' Superannuation Act, 1896, and giving such directions as appeared to them to be necessary for the purpose of making the Act of 1896 applicable to the case

of officers of any authority to which it applied who had been transferred under the Act of 1902.

Several attempts have been made by Bills introduced into Parliament by private members to extend the provisions of the Poor Law Officers' Superannuation Act, 1896, to officers and servants of local authorities (other than poor law authorities), but these have not been successful. The last Bill of this kind, entitled "The Local Authorities Officers Bill, 1907," which was only to apply to urban district councils by whom it was adopted, was introduced by Mr. Luke White, but failed to become law.

Payments to salaried officers out of loans.—The Local Government Board do not allow payments to be made to salaried officers of local authorities out of loans sanctioned by them, except in the case of payments (if any) due to the clerk for legal work in connection with the object of the loan and not within the scope of his ordinary duties under the terms of his appointment or, in the case of a clerk to a rural district council who was appointed prior to the passing of the Local Government Act, 1894, his duties as defined by the Consolidated Order Amendment Order of the 26th of February, 1866. In such cases the bills, as taxed, may, the Board state, be properly paid out of the loan.

Overdrafts on treasurer.—Local authorities have no power to borrow money from their bankers except upon a properly executed mortgage, and the payment of interest on money not so secured is illegal.

The Local Government Board do not authorise overdrafts except in connection with the borrowing of money under the Education (Provision of Working Balances) Act, 1903.

Defalcations by collecting officers.—The following extract from pp. xevii and xeviii of the 23rd Annual Report of the Local Government Board (1893—94), contains some interesting observations on the subject of misappropriation of moneys by assistant overseers and collectors of poor rates, etc.:—

"Numerous instances have come before us of misappropriation by assistant overseers and collectors of poor rates and other collectors of parochial and other moneys collected by them, and in each of these cases we have obtained from our district auditor a report on the precise means employed by the officer to facilitate or conceal his defalcation. From these reports we find that in some cases ingenious devices have been resorted to by the defaulting officer; but, in the majority of cases, the means employed are very simple, and, in almost all, the defalcation has been assisted by a want of that proper supervision of the proceedings of the collecting officer which our accounts orders contemplate shall be given by the overseers or other authority concerned. In some of the parochial cases it appears that, as a basis for his subsequent proceedings, the officer has falsified the entries in the pass book relating to the parish banking account of the overseers, who have allowed him to retain possession of it. This account, however, is the personal account of the overseers; and the bank pass book and cheque book should always be in their custody, or in the custody of one of them. It is not necessary that the assistant overseer should have access to the pass book, and if the precaution indicated were always taken, as we invariably point out it should be, he would be unable to avail himself of this means of concealment. In other cases the overseers refuse to take over the money received by the collector, apparently supposing that they can in this way divest themselves of their responsibility for it and its legal expenditure. Large sums are frequently thus placed under the sole control of the collector who may, if so disposed, abscond with them. In many instances we have found that the overseers have not hesitated to initial, in token of receipt, entries in the collector's book purporting that the sums collected have been paid over to them, although the moneys have in fact been retained in the hands of the collector. Another aid to the retention of considerable sums in the hands of the collector is afforded when the local authorities do not enforce prompt payment by the overseers of the calls on them. In some instances the fraud has been facilitated by the carelessness, or negligence, or ignorance of ratepayers, who are content to accept the receipt of the collector given upon the demand note, or in some other irregular manner."

Questions in Parliament.—The following questions and

replies in the House of Commons are included as being of general interest to officers of local authorities.

[19th August, 1907.]

Mr. John Burns (in reply to a question by *Mr. Barnard*).—

It is the duty of a clerk to a board of guardians to attend and keep minutes of their meetings, to conduct their correspondence, to prepare estimates of their expenditure, and also any contracts and agreements to be entered into with them. He has to conduct all applications on behalf of the guardians before justices, and, if he is a solicitor, to perform their ordinary legal business. It is his duty to keep the accounts of the guardians and to examine certain accounts of other officers. He is to communicate to the several officers all orders and directions of the Local Government Board or of the guardians, and, so far as may be, to give the instructions requisite for their execution, and to report to the guardians any neglect or failure therein which may come to his knowledge. He must prepare reports and returns, and observe the lawful orders and directions of the guardians applicable to his office, and it is incumbent on him to assist the guardians generally in the administration of the relief of the poor and otherwise in carrying the Poor Law Acts into execution. The chief Orders on the subject are the General Consolidated Order of 1847, the Amending Order of 1866, and the Order for Accounts of 1867. These Orders have, speaking generally, been found satisfactory and sufficient. If I find that they need alteration, I shall be prepared to amend them.

Mr. John Burns, 12th June, 1907, replied to a question by *Mr. Staveley-Hill* as follows: I cannot state the number of cases in which, during the last financial year, county councils actually repaid to rural district councils half the salaries of their sanitary officers; but on the 31st March last the number of cases in rural

districts in which the officers were acting under conditions entitling the councils of these districts to such repayment was, as regards inspectors of nuisances 614, and as regards medical officers of health 635.

[19th July, 1906.]

Mr. John Burns.—In reply to a question of Dr. Shipman stated that the Local Government Board had in one or two exceptional cases assented to the appointment of a woman as relieving officer, but that they thought it undesirable in ordinary circumstances that the appointment should be held by a woman. Their reason for this view is that there are some duties devolving on a relieving officer—such, for instance, as those in connection with lunatics—which, in the opinion of the Board, cannot be satisfactorily performed by a woman.

[27th April, 1906.]

Mr. John Burns replied to a question of Mr. Horniman as follows: There is no prescribed minimum wage for poor law officers. There are cases in which the salary of an officer who does not reside in the workhouse is as low as 25s. a week, but I cannot say what are the hours of service in such cases. An officer must serve ten years to be qualified for a pension under the Poor Law Officers' Superannuation Act, 1896, and in ordinary circumstances he must have had forty years service in order to obtain the full amount of pension allowed by the Act.

[21st March, 1906.]

Mr. J. W. Benn.—To ask the President of the Local Government Board, whether he can propose or facilitate legislation to secure superannuation for local government officials upon similar lines to the Poor Law Officers' Superannuation Act.

Mr. John Burns.—I could not take steps for the purpose suggested. Indeed it appears to me that the subject of superannuation of local government officers would require careful consideration before legislation on the subject could be proposed.

[2nd March, 1906.]

Mr. Pollard.—To ask the President of the Local Government Board, if he will grant a Return showing for each Poor Law Union the area, population, and number of medical officers and their salaries; and whether extra fees are paid, as required by the Poor Law Orders, and the annual amount of such extra fees.

Mr. John Burns.—I understand that the Poor Law Commission are considering what statistics they will find it necessary to obtain for the purposes of their inquiry. I will communicate with them with a view of ascertaining whether they propose to get information on the subject referred to in the Question; and, if so, whether it could be made available for the honourable Member.

[15th February, 1904.]

Sir Walter Foster.—To ask the President of the Local Government Board, if he can state the number of persons seeking certificates of competency as sanitary inspectors who have been examined in each year by the Board of Examinations constituted by the Local Government Board under s. 108 of the Public Health (London) Act, 1891, and the number to whom certificates of competency have been granted in each year.

Mr. Long.—I am informed that the numbers are as follows:—

Year.	Number of Applicants for Certificates.	Number of Certificates Granted.
1899 . .	18	16
1900 . .	21	12
1901 . .	27	24
1902 . .	70	57
1903 . .	69	46

[19th February, 1903.]

Mr. Long (in reply to *Mr. Morrell*).—Boards of guardians possess considerable powers of control over their officers, and, except in the case of their principal officers, have the power of dismissal. As regards the principal officers, the consent of the Local Government Board is required to dismissal, but, where there is cause for dissatisfaction, it is competent to the guardians to make representations to the Board.

[13th July, 1903.]

Mr. Seymour Ormsby-Gore.—To ask the President of the Local Government Board, whether the vaccination officers for the Gainsborough Union carry out the orders of the Local Government Board and take proceedings in opposition to the wishes of the guardians; and whether the Local Government Board will uphold the officers in their action, as they are threatened with dismissal or to be called upon to resign by the guardians.

Mr. Long.—It is the duty of a vaccination officer to take proceedings against defaulters under the Vaccination Acts, and I understand that the vaccination officers of this union have recently taken proceedings of this kind although the guardians have been opposed to this course.

As regards the last part of the Question, the consent of the Local Government Board is necessary before a vaccination officer can be dismissed. I should not be prepared to give that consent where the ground of the proposed dismissal was that the officer had performed his duty in this matter.

[27th March, 1903.]

Mr. Long, replying to Sir Charles M'Laren, said—I must point out that the duty of the vaccination officer to take proceedings in cases of default is quite independent

of any directions from the guardians. In cases where the guardians are opposed to the enforcement of the Vaccination Acts it would obviously be impossible for the vaccination officer to carry out the duty referred to if he had to obtain the consent of the guardians to the legal assistance which was requisite for the purpose; and I am advised that it is a necessary incident of the statutory duty of the vaccination officer that he should have authority to engage legal assistance where this is required.

Parliamentary papers (a).—The following are some of the more important parliamentary papers relating to officers of local authorities:

Sanitary officers in rural districts.—Return of the Medical Officers of Health and Inspectors of Nuisances in the rural districts of each county in England and Wales showing the area and population of each district, and as regards each officer, the amount of his remuneration, whether repayment is made in respect of it by the county council, and whether he holds any other appointment or carries on any other occupation. [No. 273. 1907. Price 10*d*.]

Pensions and superannuation allowances.—Return showing the number of persons in receipt of pensions or superannuation allowances granted by the under-mentioned local authorities in England and Wales, and the amounts expended by the local authorities in the payment of such pensions and superannuation allowances during the year ended 31st March, 1906, viz.: County Councils, Town Councils, Visiting Committees of Lunatic Asylums, Commissioners of Metropolitan Police, Metropolitan Borough Councils, Corporation of City of London, Boards of Guardians, Managers of Sick Asylums and Scheduled Districts, Managers of

(a) These may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

Metropolitan Asylum District, and the Metropolitan Water Board. [No. 373. 1906. Price $\frac{1}{2}$ d.]

NOTE.—A similar return was made in respect of the financial year 1891—92. [No. 267. 1892.]

Sanitary inspectors and inspectors of workshops.—Return showing number and salaries of male and female Sanitary Inspectors and Inspectors of Workshops in London (distinguishing those whose duties are entirely or principally duties under the Factory and Workshops Act), and of female Inspectors and Inspectors of Nuisances, and male and female Inspectors of Workshops in rest of England and Wales. [No. 87. 1905. Price 1d.]

Inspection of meat.—Return showing, as regards each of the following local authorities, *viz.* the Councils of the City of London, the Metropolitan Boroughs, Liverpool, Manchester, Birmingham, Bolton, Birkenhead, Bradford, Blackpool, Hull, Nottingham, Derby, and Portsmouth, (1) the number of Sanitary Inspectors, Inspectors of Nuisances, or other officers appointed to act as Inspectors of Meat; (2) what special qualifications, if any, those officers possessed for the discharge of the duties of Inspectors of Meat; (3) the amounts received by the council during the year ended the 31st March, 1904, on account of fines and costs in connection with prosecutions relating to unsound or diseased meat; and (4) the law costs paid by the council during that year in respect of any proceedings at quarter sessions or in the High Court, arising out of the decisions of justices in connection with such prosecutions. [No. 326. 1904. Price 1d.]

NOTE.—A somewhat similar return was issued in 1896. [No. 74.]

Medical officers of health for counties.—Return showing the names of the county councils in England and Wales which have Medical Officers of Health with the terms of appointment (in continuation of No. 202, Sess. 1896). [No. 316. 1904. Price 2d.]

Poor law officers' superannuation.—Return showing for the Poor Law Unions of Blackburn, Bradford (Yorks.), Burnley, Cardiff, Dewsbury, Halifax, Howden, Huddersfield, Islington, Kensington, Middlesbrough, Oldham, St. Pancras, Prestwich, Salford, Sheffield, Tadcaster, Thirsk, Wakefield, Wolstanton and Burslem, and York, the list of officers who avail themselves of the provisions of the Poor Law Officers Superannuation Act, 1896, and the amount of salary and fixed emoluments on which the contributions will be calculated. [No. 355. 1897.]

Poor law union officers.—Return showing, in respect of certain unions in England and Wales, the number of persons holding office as Clerks to Boards of Guardians, Chaplains, Masters and Matrons, Schoolmasters and Schoolmistresses, Relieving Officers, Vaccination Officers, Collectors of the Guardians, and Collectors of Poor Rates (appointed under the Orders of the Local Government Board), distinguishing the number of those who do, and the number of those who do not, devote their whole time to the service of the union, and the total of the salaries of each of the two classes of officers. [No. 157. 1896.]

Local Government Act, 1888 (medical officers of health).—Return of the Medical Officers of Health appointed by county councils under s. 17 of the Local Government Act, 1888, and the councils appointing them; and Return showing the representations, if any, made to the Local Government Board under s. 19 of the Act, and the results of such representations. [No. 279. H. L. 1891.] [See also under *Parliamentary and other Papers*, sub-head, *Workhouses*.]

PART XLIV.—OFFICES AND PUBLIC HALLS.*

Powers of local authorities to provide.—1. **COUNTY COUNCILS.**—Under s. 65 (1) of the Local Government Act, 1888, a county council are empowered to acquire, purchase, or take on lease, or exchange lands, etc., and to acquire, hire, erect, and furnish such halls, buildings, and offices as they may from time to time require, whether within or without their county; and by sub-s. (2) of that section, the provisions of ss. 176—178 of the Public Health Act, 1875, are made applicable to the purchase, etc., of such lands by a county council.

A county council have no general power to provide buildings for public meetings and entertainments.

Reference may also be made to s. 3 (iv) of the Local Government Act, 1888, which transferred to the county council the administrative business of the justices of the county in quarter sessions assembled in relation to (*inter alia*) shire halls and county halls, and to sub-ss. (1) and (2) of s. 64 of the Act which transferred to the county council county property existing on the "appointed day" referred to in the Act.

2. **METROPOLITAN BOROUGH COUNCILS.**—These authorities derive their powers with respect to the provision of public offices from s. 66 of the Metropolis Management Act, 1855, and s. 24 of the London County Council (General Powers) Act, 1893, as successors to the district boards and vestries in pursuance of s. 4 of the London Government Act, 1899.

Under the first-mentioned enactment, a metropolitan borough council are required to provide and maintain such offices within their district as may be necessary for the purposes of the Act; while, under s. 24 of the Act of 1893, they

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. i. pp. 123—134, 153, 154, 258; vol. ii. p. 49.

may erect any hall or other building to be used for the purposes of business or partly for such purposes and partly for the purposes of public meetings, assemblies, entertainments, libraries, and other like purposes, and they may adapt or alter any building used by them at the passing of that Act for the purposes of a town hall or offices for use for any of the aforesaid purposes.

3. MUNICIPAL CORPORATIONS.—Under s. 105 of the Municipal Corporations Act, 1882, a town council, acting as a municipal corporation, may purchase or hold land not exceeding in the whole 5 acres either in or out of the borough and may build thereon or on any land belonging to or held in trust for the corporation a town hall, council house, or any other building necessary or proper for any purpose of the borough.

Where a town council, proceeding under the above Act, propose to provide a building which would include accommodation for public meetings and entertainments, they should apply to the Local Government Board for an Order under s. 33 of the Local Government Act, 1894, conferring upon them the powers of a parish council under s. 8 (1) (a) and (i) of that Act. See Part XXXIV.

4. URBAN AUTHORITIES.—Town councils (acting as sanitary authorities) and urban district councils derive their powers under the general law to provide offices from s. 197 of the Public Health Act, 1875, which enables every urban authority to provide and maintain such offices as may be necessary for transacting their business, and that of their officers and servants under the Act.

The remarks in the last para. but one as to the necessity of obtaining the powers of a parish council under s. 8 (1) (a) and (i) of the Local Government Act, 1894, will apply also to buildings provided under the Public Health Act, 1875.

5. RURAL DISTRICT COUNCILS.—There is no statutory provision expressly authorising the provision of offices by rural district councils, but the view would seem to be taken that such councils possess an implied power under the general law to provide offices for the transaction of their business and that of their officers

and servants, apart from their right under s. 59 of the Act of 1894, to use the board-room and offices of the board of guardians of the union at all reasonable hours.

A rural district council have no power to provide buildings for public meetings in their district, and they cannot obtain the powers of a parish council under s. 33 of the Act of 1894.

6. PARISH COUNCILS.—Under sub-s. 1 (a) of s. 8 of the Local Government Act, 1894, a parish council have power to provide or acquire buildings for public offices and for meetings and for any purposes connected with parish business or with the powers or duties of the parish council or parish meeting; and, under paragraph (b) of that sub-section, they are empowered to provide or acquire land for such buildings.

Further, by virtue of s. 6 (1) (c) (ii) of that Act, the parish council have succeeded to the powers, duties, and liabilities of the overseers of the parish with respect to (*inter alia*) the provision of a parochial office. As to the powers of overseers in the matter, see s. 1 of the Parochial Offices Act, 1861 (24 & 25 Vict. c. 125), the effect of which is set out below.

7. BOARDS OF GUARDIANS.—With respect to the provision of board rooms and offices by guardians, see Part LXVIII., "Workhouses and other Poor Law Buildings."

8. OVERSEERS OF URBAN PARISHES.—The power of overseers of such parishes to provide offices for the transaction of the business of the parish is derived from s. 1 of the Parochial Offices Act, 1861, which enables the overseers of any parish the population whereof shall exceed four thousand persons, with the consent of the vestry, and with the consent of the Poor Law Board (*a*), signified by an Order under their seal, to hire any room, or purchase or take upon lease, or exchange any land or building, or erect a suitable building on any land acquired as aforesaid, for the purpose of an office for the transaction of the business of the parish.

The overseers of an urban parish may also, if the necessary provisions of the Vestries Act, 1850, have been put in force in

(a) Now the Local Government Board.

the parish, provide buildings for the purpose of holding any vestry or other meetings for the transaction of any business of or relating to the parish.

Borrowing powers.—The borrowing powers of local authorities in England and Wales (outside the Administrative County of London) for the provision of public offices and public halls are exerciseable under the following enactments—

Local Authorities.	Enactments conferring Borrowing Powers.
County Councils . . .	Local Government Act, 1888, s. 69.
Municipal Corporations . .	Municipal Corporations Act, 1882, ss. 106, 109, 112, as amended by Local Government Act, 1888, s. 72
Town Councils (acting as sanitary authorities), and Urban District Councils.	Public Health Act, 1875, ss. 233, 234.
Rural District Councils .	Public Health Act, 1875, ss. 233, 234, and Local Government Act, 1894.
Parish Councils . . .	Local Government Act, 1894, s. 12.
Guardians . . .	Poor Law Act, 1889, s. 2.
Overseers . . .	Vestries Act, 1850, s. 5.

In each of the above cases, the borrowing is subject to the consent, approval, or sanction of the Local Government Board.

That Board have no jurisdiction with regard to the borrowing of money by metropolitan borough councils for the purposes in question, such borrowing being regulated by s. 183 of the Metropolis Management Act, 1855, and, accordingly, subject to the sanction of the London County Council under that section, as amended by s. 40 (8) of the Local Government Act, 1888.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them in connection with the provision of public offices, etc., are as follows—

Land (purchase of freehold) . .	60 years (where Act allows)
Buildings	30 „
Furniture and fittings	15 „
Lighting	10 „

A term of thirty years is the maximum period which can be allowed for the repayment of loans under the Municipal Corporations Act, 1882, and the Local Government Act, 1888 (see s. 112 of the former Act and s. 69 (5) of the latter Act).

Applications for sanction to loans.—Applications by local authorities (other than poor law authorities (*a*)) for the consent, approval, or sanction of the Local Government Board to the borrowing of money for the purpose of providing public offices and public halls should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (*b*) ;
- (2) Plans, sections, and elevations of the proposed buildings (including a block plan showing the drainage arrangements), and a map of the district showing by colour the position of the site (*c*) ;
- (3) A certificate that the plans comply in all respects with the byelaws (if any) as to buildings in force in the locality. If there are no such byelaws in force, this should be stated ;
- (4) A detailed estimate of the cost of the scheme (*d*) ;
- (5) Information as to whether a provisional agreement has been entered into for the purchase of the site. If, however, the site already vests in the council, it should be stated when, for what purpose, and under what statutory authority it was acquired, and if it was purchased by means of a loan, particulars as to the loan should be supplied ; and
- (6) Particulars as to the assessable or rateable value and existing debt of the district in the appropriate official form (*e*), viz. in the case of an application by a—

County Council, Form K, No. 15.

Municipal Corporation, Form K, No. 55.

(*a*) As to how applications should be made by poor law authorities, see Part LXVIII., "Workhouses and other Poor Law Buildings."

(*b*) See also "RESOLUTIONS," p. 8.

(*c*) See also "PLANS," p. 6.

(*d*) A form is not provided for this purpose by the Local Government Board. See also "ESTIMATES," p. 4.

(*e*) See also "FORMS," p. 5.

Town Council (acting as a sanitary authority),
Urban District Council, or Rural District
Council, Form K, No. 2.

Parish Council, Form K, No. 100.

If the proposal is to adapt an existing building for the purposes of offices, the plans of the building should distinguish new work from old; and a report by the surveyor as to the age, condition, and sanitary arrangements of the building should be forwarded.

An application by a parish council should also be accompanied by a copy of the document conveying the consent of the county council to the loan, and a copy of the resolution of the parish meeting (signed by the chairman thereof) consenting to the parish council incurring the expenses or liabilities for which the loan is required. If a poll was demanded, the result should be stated.

In the case, however, of an application by a town council under the Municipal Corporations Act, 1882, such application should be made by memorial (on paper of foolscap size) under the seal of the corporation, and should, in addition to the particulars indicated in (2)—(6), be accompanied by a copy of the notice given in pursuance of s. 236 of the Act, endorsed with a certificate to the effect that the notice has been affixed to the town hall for one month prior to the date of the application, and that a copy of the intended application has been open to public inspection during that period.

Hiring of offices by overseers.—In any case in which overseers of an urban parish propose to hire office accommodation under s. 1 of the Parochial Offices Act, 1861 (*a*), they should in the first instance, at a meeting duly convened for the purpose, obtain the consent of the vestry to the hiring of the selected premises upon definite terms and conditions which should be set out in the resolution of the vestry. Application under the hands of the overseers should then be made to the Local Government Board for their consent to the proposal,

(*a*) The effect of this section is set out on p. 610.

accompanied by a copy of the notice convening the vestry meeting and of the resolution passed thereat, and by information as to the accommodation which the premises will afford, and as to whether they are conveniently situated for the whole of the parish. It should also be stated whether the rent intended to be paid includes charges for heating, lighting, and cleaning.

If the overseers propose to hire rooms in offices or buildings provided by an urban authority it would be convenient that application should at the same time be made by such authority for the consent of the Board to the letting of the rooms. On this point see p. 479.

The Local Government Board do not approve of the form of lease in such cases; but the lease should not be finally executed until the Board have issued their Order consenting to the hiring.

Use of buildings of local authorities for meetings of trade unions and other bodies.—A circular letter was issued by the Local Government Board on 23rd March, 1908, to local authorities suggesting that they should allow the use of their buildings for the purposes of the meetings of such bodies, where the circumstances permit, no expense, however, to fall on the local authority. The circular has been placed on sale and can be obtained from Messrs. Wyman & Sons, Ltd., Fetter Lane, E.C.

PART XLV.—ORDERS OF COUNTY COUNCILS UNDER S. 57 OF THE LOCAL GOVERN- MENT ACT, 1888.*

Statutory Provisions.—Section 57 of the Local Government Act, 1888, enacts as follows :

“(1) Whenever a county council is satisfied that a *prima facie* case is made out as respects any county district (a) not “a borough, or as respects any parish, for a proposal for all or “any of the following things; that is to say—

“(a) the alteration or definition of the boundary thereof;

“(b) the division thereof or the union thereof with any other
“such district or districts, parish or parishes, or the
“transfer of part of a parish to another parish;

“(c) the conversion of any such district or part thereof, if it
“is a rural district, into an urban district, and if it
“is an urban district, into a rural district, or the
“transfer of the whole or any part of any such
“district from one district to another, and the
“formation of new urban or rural districts;

“(d) the division of an urban district into wards; and

“(e) the alteration of the number of wards, or of the boundaries
“of any ward, or of the number of members of any
“district council, or of the apportionment of such
“members among the wards,

“the county council may cause such inquiry to be made in the
“locality, and such notice to be given, both in the locality, and
“to the Local Government Board, Education Department, or
“other Government department as may be prescribed, and
“such other inquiry and notices (if any) as they think fit, and
“if satisfied that such proposal is desirable, may make an order
“for the same accordingly.

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. i. pp. 553—579; Vol. ii. pp. 479—480.
(a) The expression "county district" is defined by s. 21 (3) of the Local Government Act, 1894, to include every urban district, whether a borough or not, and every rural district.

“(2) Notice of the provisions of the order shall be given, “and copies thereof shall be supplied in the prescribed manner, “and otherwise as the county council think fit, and if it relates “to the division of a district into wards, or the alteration of the “number of wards or of the boundaries of a ward, or of the “number of the members of a district council, or of the apportionment of the members among the wards, shall come into “operation upon being finally approved by the county council.

“(3) In any other case the order shall be submitted to the “Local Government Board; and if within *three months* (a) after “such notice of the provisions of the order as the Local Government Board determine to be the first notice, the council of “any district affected by the order, or any number of county “electors registered in that district or in any ward of that “district, not being less than one-sixth of the total number of “electors in that district or ward, or if the order relates only “to a parish, any number of county electors registered in that “parish, not being less than one-sixth of the total number of “electors in that parish, petition the Local Government Board “to disallow the order, the Local Government Board shall cause “to be made a local inquiry, and determine whether the order “is to be confirmed or not.

“(4) If any such petition is not presented, or being presented “is withdrawn, the Local Government Board shall confirm the “order.

“(5) The Local Government Board, on confirming an order, “may make such modifications therein as they consider “necessary for carrying into effect the objects of the order.

“(6) An order under this section, when confirmed by the “Local Government Board, shall be forthwith laid upon the “table of both Houses of Parliament, if Parliament be then “sitting, and, if not, forthwith after the then next meeting of “Parliament.

“(7) This section shall be in addition to, and not in derogation of, any power of the Local Government Board in respect “of the union or division or alteration of parishes.”

In connection with the making of Orders under this enactment, the provisions of ss. 59 and 60 of the Act and of ss. 36 and 54 of the Local Government Act, 1894, should receive careful consideration.

(a) Reduced to six weeks by s. 41 of the Local Government Act, 1894.

It is provided by s. 42 of the latter Act that, where an Order under s. 57 of the Act of 1888 has been confirmed by the Local Government Board, such Order shall at the expiration of six months from confirmation be presumed to have been duly made and to be within the powers of that section, and that no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Jurisdiction of Local Government Board.—Orders made by county councils under s. 57 of the Local Government Act, 1888, require to be confirmed by the Local Government Board if made in pursuance of paras. (a), (b), and (c) of sub-s. (1), but not where they relate exclusively to the matters specified in paras. (d) and (e) of that sub-section.

As regards Orders requiring the confirmation of the Local Government Board, that Board are bound to confirm the Order, assuming that the proceedings have been regular, and that a valid petition for its disallowance has not been presented to them, or, if so presented, has been withdrawn (sub-s. (4)); and, in confirming the Order, they are only empowered to make such modifications therein as they consider necessary for carrying into effect the objects of the Order (sub-s. (5)). The Board hold that the powers so conferred do not enable them to vary the objects of the Order as, for example, to alter a boundary proposed by the Order.

In the case of an Order which does not require confirmation by the Local Government Board, the clerk of the county council should inform the Board when the Order has been finally approved by the county council and should at the same time forward a copy of such final approval.

Petitions for disallowance of Orders.—A petition to the Local Government Board to disallow an Order made by a county council under s. 57 of the Local Government Act, 1888, must be submitted to the Board within six weeks after the first advertisement of the provisions of the Order in a local newspaper (see sub-s. (3) of that section as amended by s. 41 of the Local Government Act, 1894, and Articles VI. of the General

Orders dated 14th September, 1889, and 29th November, 1902). By virtue of the last-mentioned General Order, only one advertisement of the provisions of the Order is required where an Order is made by the council of a county borough.

No form has been prescribed by the Board for petitions in these cases, but it would seem to be important that the petition, following the language of the statute, should definitely request the Local Government Board to disallow the Order.

Petitions may be presented by—

- (i) The council of any district affected by the Order (Local Government Act, 1888, s. 57 (3)) ;
- (ii) Any number of county electors registered in that district or in any ward of that district, not being less than one-sixth of the total number of electors in that district or ward (Local Government Act, 1888, s. 57 (3)) ;
- (iii) If the Order relates *only* to a parish, any number of county electors registered in the parish, not being less than one-sixth of the total number of electors in that parish ;
- (iv) The parish council or, if there is no parish council, the parish meeting, where the Order provides for the alteration of the boundary of any parish or the division thereof, or the union thereof, or of any part thereof, with another parish (Local Government Act, 1894, s. 36 (7)) ; and
- (v) Any Board of Guardians affected by an Order made by a county council in pursuance of Part III. of the Local Government Act, 1894 (Local Government Act, 1894, s. 36 (10)) .

In the event of a valid petition being presented within the statutory period and not withdrawn, the Local Government Board are required by the statute to direct a local inquiry to be held on the subject before determining whether the Order of the county council shall be confirmed or not.

Regulations of Local Government Board.—The following General Orders (a) have been issued by the Local Government Board prescribing regulations with respect to the inquiries to be made and the notices to be given for the purposes of s. 57 of the Local Government Act, 1888 :—

GENERAL ORDER, dated 14th September, 1889 (COUNTY COUNCILS).

GENERAL ORDER, dated 29th November, 1902 (“Local Government Acts (Inquiries and Notices) COUNTY BOROUGHs Order, 1902”).

Prior to the last-mentioned Order, separate regulations were issued by the Board, when occasion required, in the case of particular county boroughs. Any such regulations were, however, rescinded by the General Order in question.

An amending Order under s. 59 (6) of the Local Government Act, 1888, is subject to the same procedure as the original Order.

Requirements of Local Government Board.—The regulations of the Local Government Board, to which reference has been made, require that three copies of every Order made by a county council under s. 57 of the Act of 1888, shall be sent to the Board on or before the date of the first publication of the advertisement of the provisions of the Order, and in the case of any such Order which does not require to be confirmed by them, one month at least before the Order is finally approved by the county council under sub-s. (2) of the section (Art. V. of the General Order dated 14th September, 1889).

Similarly, three copies of every Order made under this section by the council of a county borough, must be sent to the Board on or before the date of the publication of the advertisement of the provisions of the Order (Art. V. of the General Order dated 29th November, 1902).

In connection with Orders requiring to be confirmed by the

(a) Copies of these Orders can, no doubt, be obtained by application to the Local Government Board.

Local Government Board, the following particulars (so far as they are applicable) should be submitted—

- (1) A tabular statement showing the actual or estimated acreage, population, and assessable value of the areas affected;
- (2) Information as to whether there are any tolls, fees, or charges in existence in such areas as regards which it is desirable that any provision should be made in the Confirming Order, if issued; and
- (3) The map referred to in the Order (where the Order refers to a map).

These particulars should be forwarded to the Board at the same time as the copies of the Order, where this can conveniently be done.

The Local Government Board require at a later stage to be furnished with a statutory declaration in proof of compliance with the requirements of the Local Government Act, 1888, and of their General Order in that behalf, and to be informed that a copy of the map has been forwarded to the Board of Agriculture and Fisheries (St. James's Square, London, S.W.). Forms for the statutory declaration are supplied by the Board when asking for this document.

Instructions as to maps.—Orders should define boundaries by reference to a map, unless the area affected is an entire civil parish or special drainage district; and, where a map is referred to, a verbal description of the proposed boundaries should not be embodied in the Order. Ordnance maps on the scale of six inches to a mile, or, where the boundaries cannot be clearly shown on maps of this scale, on the scale of twenty-five inches to a mile should be used. The maps should be mounted on linen to prevent them being torn, and the boundaries should be shown by a continuous hard line of colour, carefully drawn by the draughtsman's pen and not put on with a brush, the outer edge of the colour representing the precise boundary. Great care should be taken in defining the line of colour; and it should be carefully examined, after

completion, throughout its entire length in order that no doubt may at any time hereafter arise as to whether any particular property is within or without the boundary.

Constitution of small urban districts.—The Local Government Board do not look favourably upon the constitution of small urban districts by county councils. Their views on this point are set out in the following extract from their 34th annual report (1904—5, p. xl.) :

“The areas which it was proposed should constitute the “urban districts of Heckington and Southwell consisted of the “parishes of those names having an acreage of 5,302 and 4,937 “respectively, and a population, according to the last census, “of 1,604 and 3,161 only. Our experience of urban districts “of a somewhat similar character makes us doubtful of the “expediency of placing such small places under urban district “councils. The sub-division of administrative districts often “leads to increased expenditure, and in the case of areas “having a small population and low assessable value, this “increase of expenditure is not generally accompanied by a “corresponding increase of administrative efficiency.”

“With regard to the two orders we have mentioned, we dis- “allowed that relating to Southwell, and deferred our decision “in the case of Heckington pending an inquiry by one of our “medical inspectors into the administration of the Sleaford “rural district of which the parish at present forms part.”

(The Heckington Order was ultimately disallowed).

Some detailed criticisms to the same effect appear also on pp. xiii., xiv., of the supplement to the above report containing the report of the medical officer for 1904—5.

PART XLVI.—PARLIAMENTARY AND OTHER PAPERS.*

The following is a list of some of the more important parliamentary and other papers of interest to local authorities and persons connected with public health and local government matters in England and Wales, issued since 1890, *particulars of which have not been given under the various subjects dealt with in other parts of this book*. Parliamentary and other government publications may be purchased, either directly, or through any bookseller, from Wyman & Sons, Ltd., Fetter Lane, London, E.C., and 32, Abingdon Street, Westminster, S.W.; Oliver & Boyd, Edinburgh; and E. Ponsonby, 116, Grafton Street, Dublin; while the publications of the London County Council (a few of which are included) may be obtained from P. S. King & Son, Orchard House, Great Smith Street, Westminster, S.W. Where prices are mentioned, these are exclusive of postage.

AGED DESERVING POOR. [Circular dated August 4, 1900.

1d. (a)]

Report of a Departmental Committee appointed by the President of the Local Government Board on the financial aspects of the proposals made by the Select Committee of the House of Commons of 1899, about the Aged Deserving Poor; with appendices. [Cd. 67. 1900.]

Report of Select Committee on Aged Deserving Poor; with proceedings, evidence, appendix, and index. [No. 296. 1899.]

Report of Royal Commission on Aged Poor; appointed to consider whether any alterations in the system

* BIBLIOGRAPHY.—“Encyclopædia of Local Government Law,”

(a) This is a publication of the Local Government Board,

of poor law relief are desirable in the case of persons whose destitution is occasioned by incapacity for work resulting from old age, or whether assistance could otherwise be afforded in these cases; with evidence, appendix, and index. [*Cd.* 7684. 1895.]

AGRICULTURAL RATES ACT, 1896.—Return showing the amount payable to each of the local authorities in England and Wales who receive a share of the annual grant under the Act. [*No.* 111. 1905. 2*d.*]

Report by the statistical officer of the London County Council (February, 1901), on the effect of the agricultural rates grants upon London taxation. [*No.* 518. 1*d.* (a)]

Copy of Order, dated 20th January, 1898, of the Local Government Board, further amending their Order of the 28th July, 1896, making regulations for the purposes of the Act. [*No.* 1. 1898.]

Gross Estimated Rental and Rateable Value of Land, etc.

—Return showing, with respect to each union in England and Wales, the gross estimated rental and rateable value according to the statements furnished to the Local Government Board by assessment committees, or other assessing authorities where there are no assessment committees, under the Agricultural Rates Act, 1896, (1) of agricultural land as defined by that Act; and (2) of buildings and other hereditaments not being agricultural land (exclusive of the annual value of hereditaments in the occupation of the Crown). [*No.* 379. 1897.]

A similar return, as regards the rateable value of each union and parish in England and Wales. [*No.* 368. 1897.]

Order of Local Government Board, amending their Order of 28th July, 1896, making regulations for the purposes of the Act. [*No.* 63. 1897.]

(a) This is a publication of the London County Council.

Order of Local Government Board making regulations for the purposes of the Act. [No. 319. 1896.]

ALKALI, ETC., WORKS REGULATION ACTS, 1881 and 1892. (See “Local Government Board.”)

BETTERMENT.—Return showing the amounts expended by the London County Council in each House of Parliament, and in 1894 before the Lords’ Committee on Betterment on the Strand Bill, Cromwell Road Bridge Bill, and Tower Bridge Approach Bills of 1893 and 1894, together with a statement showing the course each House took in reference to each Bill. [No. 253. 1*d.* (a)]

Report from the Select Committee of the House of Lords on Town Improvements (Betterment); with proceedings, evidence, appendix, and index. [No. 292. 1894.]

Special report from Select Committee on the London Streets (Strand Improvement) Bill, touching the betterment principle; with the proceedings. [No. 239. 1890.]

BIRTHS, DEATHS, AND MARRIAGES.—Reports by Registrar-General. [*Issued annually.*]

BOARDS OF GUARDIANS (*Persons in Receipt of Relief*).—(See “Pauperism and Poor Relief.”)

BOROUGH FUNDS ACT, 1903.—Circular dated 12th September, 1903, to metropolitan borough councils. [*Price 1*d.**]

Circular of same date, to urban district councils. [*Price 1*d.**]

CANAL BOATS ACT, 1877. Extracts from annual reports of Local Government Board. [2*d.* each.]

CENSUS.

[*England and Wales.*] Census 1901.—Population tables, etc., in separate counties (with maps).

NOTE.—Each county may be purchased separately. *General Report on*; with appendices. [*Cd.* 2174. 1904.]

(a) This is a publication of the London County Council.

CEREBRO-SPINAL FEVER.—Memorandum on. [1905. 1*d.*]
Report by Dr. R. Farrar on cases of cerebro-spinal
meningitis in Irthlingborough (Northamptonshire).
[No. 218. 6*d.* (a)]

Report by Dr. R. Bruce Low on ditto in certain parishes
of the eastern counties. [1891. No. 59. 4*d.* (a)]

CHOLERA, INFECTION OF.—Precautions against. [26th August,
1892. 1*d.* (a)]

Reports and papers on cholera in England in 1893, with
an introduction by the medical officer of the Local
Government Board, maps, and plates. [*Cd.* 7,539.
1894.]

CHOLERA, YELLOW FEVER, AND PLAGUE.—Regulations as to.
Ports and riparian authorities. General Order No.
35,420 (9th November, 1896). [1*d.* (a)]

CLOSING OF PUBLIC ELEMENTARY SCHOOLS, or the exclusion
therefrom of particular children. Memorandum, pre-
pared in the medical department, on the circumstances
under which this may be required in order to prevent
the spread of disease (August, 1904). [1904. 1*d.* (a)]

CONTRACTS.—Return showing, for England and Wales, as
regards each county council, town council, metropolitan
borough council, urban and rural district council, and
board of guardians, whether the contracts entered into
by the authority for the execution of works specify any
conditions as to the wages to be paid by the contractor,
or other conditions with regard to the persons employed
by him; and, if so, what are the conditions so specified.
[No. 307. 1905.]

A similar return. [No. 296. 1900.]

A like return as to each urban sanitary authority. [No.
47 (1898) in continuation of No. 435 of 1893—94.]

Report on the practice of public authorities in the United
Kingdom in giving out contracts to associations of
workmen; with appendices relating to foreign
countries. [*Cd.* 8,233. 1896.]

(a) This is a publication of the Local Government Board.

COTTAGE HOMES.

Poor Law Children (Cottage Homes).—Return showing the names of the unions the guardians of which have provided grouped cottage homes, or other similar establishments, and the total cost per head per annum of the children in each establishment during the year ended 25th March, 1902.—SIR WALTER FOSTER. [No. 145. 1903.]

Report of the chief general inspector, the medical inspector, and architect of the Local Government Board on the Sheffield Cottage Homes for Children, together with the reply of the Sheffield Guardians and the letter addressed to the guardians by the Board on the subject. [No. 113. 1897.]

See also "Sandgate Homes."

COUNTIES, BOROUGHES, URBAN AND RURAL DISTRICTS—

A statement of the county boroughs, other boroughs, urban districts (other than boroughs), and rural districts in England and Wales (excluding the Metropolis) on 15th April, 1904, with notes showing changes of areas, etc., to 1st October, 1905. [2s. 6d. (a)]

Non-County Boroughs (Population over 10,000) and other Urban Districts (Population over 20,000)—*England and Wales, excluding London.*—Statement showing, according to the preliminary report on the Census of England and Wales, 1901, the names of the municipal boroughs (other than county boroughs) having a population of over 10,000, and the names of the urban districts (other than boroughs) having a population of over 20,000, together with the population of those boroughs and urban districts and the names of the administrative counties in which situate. [No. 171. 1901.]

Counties (England and Wales).—Return showing:—

1. The administrative counties and the county boroughs of *England and Wales*, arranged in alphabetical order, with their areas and population;

(a) This is a publication of the Local Government Board.

2. The urban sanitary districts of *England and Wales*, other than county boroughs, arranged according to administrative counties, with their areas and population, and the nature of their local government (whether municipal borough, improvement act district, or local government district);
3. The rural sanitary districts in *England and Wales*, arranged according to administrative counties, with their areas and population; when the district is in more than one administrative county the area and population of the part of the district in each administrative county being shown separately;
4. The poor law unions and other poor law areas not situate in the Metropolis, with their population; the administrative counties or county boroughs in which they are situate; the population in each administrative county or county borough when more than one; the number of urban sanitary districts and rural sanitary districts which they contain, distinguishing the number in each administrative county when more than one;
5. The parishes situate in more than one administrative county or county borough, with the area and population of each part (parish means a place for which a separate overseer is or can be appointed);

(in continuation of Parliamentary Paper, No. 333, of Session 1888).—SIR H. H. FOWLER. [No. 437. 1893.]

DAIRIES, COWSHEDS, AND MILKSHOPS.—Return showing (i) the names of the councils of boroughs and urban and rural districts who have made regulations under the Dairies, Cowsheds, and Milkshops Order of 1885, and (ii) the number of councils of each class who have not made any such regulations.—DR. RUTHERFORD. [No. 152. 1907. 1½d.]

EPIDEMIC DISEASE.—Memorandum dated June, 1905, as to proceedings which are advisable in places attacked or threatened by. [1d. (a)]

(a) This is a publication of the Local Government Board.

Food. (See also *Inspection of Meat*.)

Report of departmental committee appointed by the President of the Local Government Board to inquire into the use of preservatives and colouring matters in the preservation and colouring of food ; with evidence, appendices, and index. [*Cd.* 833. 1901.]

Report of Select Committee on Food Products Adulteration ; with proceedings, evidence, appendix, and index. [*Nos.* 288 (1896) ; 363 (1895) ; 253 (1894).]

HIGHWAYS—

Report of departmental committee appointed by the President of the Local Government Board to inquire into the subject of highway authorities and administration in England and Wales.

Part I.—Report. [*Cd.* 1,793. 1903. 2*d.*]

Part II.—Evidence, appendix, and index. [*Cd.* 1,794.—1903. 1*s.* 5*d.*]

HOUSING. (See *Local Government Board*.)

INFECTIOUS DISEASE (NOTIFICATION) ACT, 1889, INFECTIOUS DISEASE (PREVENTION) ACT, 1890, AND PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.—Return showing the names and population in 1891 of the sanitary districts in England and Wales in respect of which the Local Government Board on 31st March, 1892, had received copies of resolutions adopting (1) the Infectious Disease (Notification) Act, 1889 ; (2) copies of resolutions adopting any portion of the Infectious Disease (Prevention) Act, 1890 ; and (3) copies of resolutions adopting any portion of the Public Health Acts Amendment Act, 1890 ; together with certain other particulars relating thereto. [*No.* 194, *Sess.* 1 (1892) ; in continuation of *No.* 205 of 1891.]

INFLUENZA.—Provisional memorandum upon precautions advisable at times when epidemic influenza threatens or is prevalent, 6th March, 1895. [*Id.* (a)]

(a) This is a publication of the Local Government Board.

Influenza Epidemic, 1889—90.—Report by Dr. Parsons (with maps and diagrams). [*Cd.* 6,387. 1891.]

Influenza Epidemic, 1889—92.—Further reports and papers (with plates and diagrams). [*Cd.* 7,051. 1893—94.]

LABOUR BUREAUX.—Report made to the President of the Local Government Board on; with appendix. [*No.* 86. 1906. 3½*d.*]

LAND. (See also *Rates and Rating*.)

Rateable Property (England and Wales).—Return showing, with respect to each union in England and Wales—

- (a) The rateable value of (1) lands; (2) buildings; (3) railways; and (4) all other kinds of property, according to the valuation lists or other record of assessment list in force during the year ended Lady Day, 1870;
- (b) The gross estimated rental and rateable value of (1) lands; (2) buildings; (3) railways; and (4) all other kinds of rateable property, according to the valuation lists in force in the Metropolis on the 6th April, 1894, and in the rest of England and Wales at Lady Day, 1894; and where there were no such lists in force, according to the last poor rate made before such dates respectively;
- (c) The gross estimated rental and rateable value of (1) lands, distinguishing agricultural land from other lands; (2) buildings; (3) railways; and (4) all other kinds of rateable property, according to the valuation lists in force in the Metropolis on the 6th April, 1899; and in the rest of England and Wales at Lady Day, 1899; and where there were no such lists in force, according to the last poor rate made before such dates respectively. — LORD BALFOUR OF BURLEIGH. [*No.* 150. *H.L.* 1900.]

Food. (See also *Inspection of Meat*.)

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Part II.—Evidence, appendix, and index. [*Cd.* 1,794.—1903. 1*s.* 5*d.*]

HOUSING. (See *Local Government Board*.)

INFECTIOUS DISEASE (NOTIFICATION) ACT, 1889, INFECTIOUS DISEASE (PREVENTION) ACT, 1890, AND PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.—Return showing the names and population in 1891 of the sanitary districts in England and Wales in respect of which the Local Government Board on 31st March, 1892, had received copies of resolutions adopting (1) the Infectious Disease (Notification) Act, 1899 ; (2) copies of resolutions adopting any portion of the Infectious Disease (Prevention) Act, 1890 ; and (3) copies of resolutions adopting any portion of the Public Health Acts Amendment Act, 1890 ; together with certain other particulars relating thereto. [*No.* 194, *Sess.* 1 (1892) ; in continuation of *No.* 205 of 1891.]

INFLUENZA.—Provisional memorandum upon precautions advisable at times when epidemic influenza threatens or is prevalent, 6th March, 1895. [*1d.* (a)]

(a) This is a publication of the Local Government Board.

Influenza Epidemic, 1889—90.—Report by Dr. Parsons (with maps and diagrams). [*Cd.* 6,387. 1891.]

Influenza Epidemic, 1889—92.—Further reports and papers (with plates and diagrams). [*Cd.* 7,051. 1893—94.]

LABOUR BUREAUX.—Report made to the President of the Local Government Board on; with appendix. [*No.* 86. 1906. 3½*d.*]

LAND. (See also *Rates and Rating.*)

Rateable Property (England and Wales).—Return showing, with respect to each union in England and Wales—

- (a) The rateable value of (1) lands; (2) buildings; (3) railways; and (4) all other kinds of property, according to the valuation lists or other record of assessment list in force during the year ended Lady Day, 1870;
- (b) The gross estimated rental and rateable value of (1) lands; (2) buildings; (3) railways; and (4) all other kinds of rateable property, according to the valuation lists in force in the Metropolis on the 6th April, 1894, and in the rest of England and Wales at Lady Day, 1894; and where there were no such lists in force, according to the last poor rate made before such dates respectively;
- (c) The gross estimated rental and rateable value of (1) lands, distinguishing agricultural land from other lands; (2) buildings; (3) railways; and (4) all other kinds of rateable property, according to the valuation lists in force in the Metropolis on the 6th April, 1899; and in the rest of England and Wales at Lady Day, 1899; and where there were no such lists in force, according to the last poor rate made before such dates respectively. — LORD BALFOUR OF BURLEIGH. [*No.* 150. *H.L.* 1900.]

Local Authorities (Acquisition of Land).—Return showing—

- (a) The number of instances in which, between the 24th day of June, 1897, and the 31st day of March, 1902, local authorities acquired land for allotments and small holdings by (1) compulsory purchase; (2) purchase by agreement; (3) compulsory hiring; (4) hiring by agreement; and in each case the parish in which such land has been acquired; the acreage; and the number of tenants to whom the allotments and small holdings are let under the Act;
- (b) The number of cases in which parish councils, between the same dates, acquired by purchase or hiring land for other purposes than allotments; and in each case the quantity of land and the purpose for which it was acquired;
- (c) The number of cases in which, between the dates mentioned, (1) representations were made by parish councils to county councils under s. 10 (1) of the Local Government Act, 1894, with regard to the hiring of land compulsorily for allotments; (2) orders were made by county councils on such representations; (3) such orders were confirmed or disallowed by the Local Government Board.—
SIR WALTER FOSTER. [No. 182. 1903].

NOTE.—See also under *Allotments and Small Holdings*.

Statement showing the decrease and increase in the rateable value of lands in 1894 as compared with 1870 in the poor law unions of England and Wales; and decrease or increase in the gross annual value of lands under Schedule A in each county in 1894 as compared with 1879; with diagram maps. [*Cd.* 8,300. 1897.]

LOANS. (See also Part X. "Borrowing.")

Local Authorities (Liabilities).—Return showing total amount of outstanding balances of loans of local

authorities in England and Wales, Scotland, and Ireland at end of 1873—74, 1883—84, and 1903—04. [No. 306. 1905. 1*d.*]

Boroughs (Outstanding Loans).—Return giving the names of the boroughs in England and Wales the councils of which on 31st March, 1905, had outstanding loans raised in sums not exceeding £100, otherwise than by the issue of stock, and giving particulars respecting such loans.—SIR GILBERT PARKER. [No. 278. 1905. 2½*d.*]

Councils of Boroughs in England and Wales (Indebtedness).—Return showing the total indebtedness of the councils of boroughs (other than metropolitan boroughs) in England and Wales on 31st March, 1903, and giving the following particulars:—

- (1) Name of borough.
- (2) Outstanding loans.
- (3) Overdrafts.
- (4) Amount of sinking funds for repayment of loans.
- (5) Amounts due to council on advances to other local authorities.
- (6) Estimated value of corporate undertakings, etc.
- (7) Assessable value for (a) borough rate; (b) general district rate on 1st April, 1903.
- (8) Remarks.

[No. 114. 1904. 11*d.*]

In connection with this return, the following questions and replies in Parliament are instructive:—

House of Commons. [1st June, 1904.]

Mr. John Ellis.—To ask the President of the Local Government Board, whether he will give the grand totals of columns 1 to 11, inclusive, for England and Wales respectively of Return No. 114, of Session 1904 (Indebtedness of Boroughs).

Mr. Long.—The total number of boroughs mentioned in column 1 of the return is 319.

The totals of the sums in columns 2 to 11 are as follows:—

	£
Column 2 (outstanding loans in respect of water works, gas works, etc.)	114,310,427
Column 3 (outstanding loans in respect of other works and purposes)	80,700,022
Column 4 (overdrafts on bankers on capital account)	7,233,548
Column 5 (overdraft on bankers on revenue account)	3,479,505
Column 6 (total of outstanding loans and overdrafts)	205,731,307
Column 7 (amount standing to credit of sinking funds)	11,960,956
Column 8 (amount remaining due to the councils in respect of loans raised to advance to other local authorities)	2,987,880
Column 9 (estimated value of corporate property)	241,135,270
Column 10 (assessable value for purposes of the borough rate)	64,798,316
Column 11 (assessable value for purposes of the general district rate)	61,409,825

In connection with the total amounts in columns 4 and 5, the observations in the fourth paragraph of the memorandum prefixed to the return should be borne in mind, and as regards the amounts stated in column 9 attention may be drawn to the remarks in column 12.

House of Commons. [23rd June, 1904.]

Sir John Rolleston.—To ask the President of the Local Government Board, whether the statements of assets of the councils of boroughs in England and Wales in the recent return of indebtedness are based on book values or on valuation surveys; and if on book values, whether they are on any general basis as regards writing off depreciation, and providing for obsolescence; and whether in any cases the assets are valued at the original cost of the various undertakings.

Mr. Long.—The town clerks who furnished the particulars from which the return was compiled were requested to state how the estimated value of the corporate property was arrived at, and the methods adopted are in most cases fully set out in column 12 of the return. These values appear to have been based on recent special valuations in a few cases only. In some cases depreciation and obsolescence were provided for, but there was no evidence of any general method on this point. In many instances the values given seem to be the original cost of the undertakings and works.

LOCAL AUTHORITIES. (See also *Women*.)

Return showing the approximate number of authorities in England and Wales which had financial transactions during the year 1904—05, and the number of such authorities whose accounts were subject to audit by district auditors; also showing in the case of the last-mentioned authorities whether the accounts were audited yearly or half-yearly. [*No.* 191. 1906.]

LOCAL GOVERNMENT ACT, 1888.

Report of the commissioners under the Act; with evidence and appendix. [*Cd.* 6,839. 1892.]

LOCAL GOVERNMENT BOARD.

Reports of Local Government Board, of their medical officer, and of the chief inspector under the Alkali, etc., Works Regulation Acts, 1881 and 1892.

NOTE.—These are annual reports and are published separately.

Reports of Dr. Reginald Farrar.—On the accommodation of navvies engaged in the construction of the Brooklands motor-racing track near Weybridge, with some suggestions relating to constructional works in general. [*Cd.* 3,694. 1907.]

As to the accommodation provided for strawberry pickers in the Dartford rural district. [*No.* 298 (*a*).]

On the lodging and accommodation of hop-pickers and pickers of fruit and vegetables. [*No.* 252 (*a*).]

Supplement to 31st Annual Report of the Board.—*Lead Poisoning and Water Supplies*.—Report by Dr. Houston on moorland waters in regard of their action on lead. Vol. II. (with plates.) [*Cd.* 1,714. 1903.]

Supplement to 30th Annual Report of the Board; in continuation of the report of the medical officer of the Board for 1900—01; containing papers on *Lead Poisoning and Water Supplies* (with plates, maps, etc.). [*Cd.* 1,343. 1902.]

Supplement to 24th Annual Report of the Board; in continuation of the report of the medical officer of the Board for 1894—95, on *Oyster Culture in Relation to Disease*; with photographs, maps, and plates. [*Cd.* 8,214. 1896.]

Supplement to 25th Annual Report of the Board; containing a report on *Inland Sanitary Survey*. [*Cd.* 8,215. 1896.]

Port and Riparian Sanitary Survey.—Reports and papers on the port and riparian sanitary survey of England and Wales, 1893—94; with an introduction by the medical officer of the Local Government Board; with maps, etc. [*Cd.* 7,812. 1895.]

LOCAL TAXATION.

Royal Commission on Local Taxation.

Vol. I.—Minutes of Evidence, with index. [*Cd.* 8,763. 1898.]

Vol. II.—Minutes of Evidence; index and appendix. [*Cd.* 9,150. 1899.]

(*a*) This is a publication of the Local Government Board.

Part I. of appendix to Minutes of Evidence, containing memoranda by official witnesses for England, Scotland, and Ireland. [*Cd.* 8,764. 1898.]

Part II.—Memoranda prepared and papers handed in by witnesses other than those representing Government departments. [*Cd.* 8,765. 1898.]

First Report. [Local Rates in England and Wales Valuation and Collection.] [*Cd.* 9,141. 1899.]

Second Report. [Valuation and Rating in respect of Tithe Rent Charge.] [*Cd.* 9,142. 1899.]

Memoranda, chiefly relating to the classification and incidence of imperial and local taxes. [*Cd.* 9,528. 1899.]

Vol. IV. of Evidence, with memoranda relating chiefly to the rating of site values, etc. [*Cd.* 201. 1900.]

Final Report for England and Wales. [*Cd.* 638. 1901.]

Appendix to Final Report (England and Wales). [*Cd.* 1,221. 1902.]

Index to the Reports. [*Cd.* 1,480. 1903.]

Local Taxation Returns (England and Wales).

These are annual returns and are published in parts. Those for 1904—05 were in the following form:—

Part I.—Valuation and accounts of overseers and guardians of the poor, managers of poor law school districts and jointcommittees of boards of guardians. [*No.* 311. 1906.]

Part II.—Accounts of county councils (other than the London County Council), joint committees of such councils, and visiting committees of lunatic asylums (other than the London asylums). [*No.* 311—i. 1906.]

Part III.—Accounts of rural district councils, parish councils and parish meetings, and lighting inspectors and committees. [*No.* 387. 1907.]

Part IV.—Accounts of London County Council, Corporation of London, visiting committees of London lunatic asylums, metropolitan police, metropolitan borough councils, boards of guardians for London Unions, and certain other local authorities of the Metropolis. [*No.* 387—i. 1907.]

Part V.—Accounts of town councils, and urban district councils. [No. 387—ii. 1907.]

Part VI.—Accounts of burial boards and joint committees acting under the Burial Acts, school boards, harbour, etc., authorities, port sanitary authorities, commissioners of sewers, drainage boards, etc., and various joint boards, committees, etc. [No. 387—iii. 1907.]

Part VII.—Summary and Index. [No. 387—iv. 1907.]

Local Taxation Licences.—Return of the amount received in respect of each administrative county and county borough in England and Wales for local taxation, licence duties, and penalties, under the Local Government Act, 1888, in the year ended 31st March. [Issued annually.]

Local Taxation (England) Account.—Return showing, in respect of the financial year ended 31st March, the distribution of the proceeds of the local taxation licences, estate duty, and local taxation (customs and excise) duties paid into the Local Taxation (England) Account in pursuance of the provisions of the Local Government Act, 1888, the Local Taxation (Customs and Excise) Act, 1890, and the Finance Act, 1894. [Issued annually.]

Local Taxation.—Report of the Right Hon. H. H. Fowler, M.P. (President of the Local Government Board), to the Treasury on local taxation, with especial reference to the proportion of local burdens borne by urban and rural ratepayers, and different classes of real property in England and Wales. [No. 168. 1893—94.]

Local Taxation.—Report of the Right Hon. G. J. Goschen, M.P. (President of the Poor Law Board), to the Treasury, on the progressive increase of local taxation, with especial reference to the proportion of local and imperial burdens borne by the different classes of real property in the United Kingdom, as compared with

the burdens imposed upon the same classes of property in other European countries. [No. 201 of 1893—94 (470 of 1870).]

LONDON—

Boundaries.—Description of the boundaries of the metropolitan boroughs as fixed by Orders in Council under the London Government Act, 1899. [No. 502. 2d. (a)]

Equalisation of Rates.—General Order of Local Government Board, dated 18th July, 1895, prescribing form of account of receipts and expenditure under ss. 1, 7, of London (Equalisation of Rates) Act, 1894. [3d. (b)]

Return showing, according to the accounts for the twelve months preceding the 31st day of March, furnished to the Local Government Board under s. 1 (7) of the London (Equalisation of Rates) Act, 1894—

- (1) The amounts paid during the year by the London County Council out of the Equalisation Fund under the Act to the Corporation of the City of London and each of the councils of the metropolitan boroughs to whom payments out of that fund were made;
- (2) The amount of the expenses incurred during the year by each of these authorities—
 - (a) under the Public Health (London) Act, 1891 (including expenses of scavenging streets); (b) in respect of lighting; and
 - (c) in respect of streets (other than the expenses of scavenging); and
- (3) The amount expended during the year by each such authority out of the sums received by them under the Act. [Issued annually.]

Loans.—Return showing for each metropolitan borough and parish the charge on the rates in respect of loans

(a) This is a publication of the London County Council.

(b) This is a publication of the Local Government Board.

for local and county purposes in the year, and equivalent rates in the pound compared with those of the previous year; also the amount of loans outstanding at the end of the year, and percentages to the rateable value compared with those in the preceding year. [*Issued annually (a).*]

Rateable Value.—Return showing the rateable value of London under the Valuation (Metropolis) Act, 1869, in each year from 1871 to 1901, the increase due to new buildings and additions, and the increase due to revaluation, both in amount and percentage. [*No. 594. 1d. (a)*]

Rates. (See “Rates and Rating.”)

Statistics.—*London Statistics.* [*Issued annually (a).*]

Statistical abstract for London, containing comparative statistics relating to parishes, poor law areas, metropolitan boroughs, electoral areas, education, rateable values, lunacy, pauperism, fires, finance, population, rates, locomotion, etc. [*1s. 0d. Issued annually (a).*]

Stock.—Return showing up to 31st March the amount of consolidated stock; the application of the money raised by such stock; the sums carried to the Consolidated Loans Fund; the application thereof; and an estimate of the expenditure of the council for all purposes for the year ended 31st March; also all moneys raised by the Metropolitan Board of Works and the council; and particulars in relation to every parish, district, union, or place in respect whereof a loan has been obtained from the Metropolitan Board of Works or the council. [*Issued annually.*]

Street Improvements and New Streets.—Return showing in respect of each of the Metropolitan boroughs the expenditure incurred by the London County Council up to 31st March, 1904, on street improvements

(a) This is a publication of the London County Council.

(county and local), the amounts contributed by the local authorities towards the cost of county improvements, and the effect of such contributions on the rates of each borough, the approximate amount contributed to the county rate, the amount of a 1*d.* rate, the rateable value per head of population, the amount in the pound of the general rates levied in 1902—03, 1903—04, and 1904—05, and the effect of the equalisation funds. [No. 858. 2*d.* (a)]

Byelaws relating to formation of new streets.
[No. 660. 1*d.* (a)]

Traffic. Royal Commission on London Traffic.

Vol. I.—Report. [Cd. 2,597. 1905. 3*s.* 3*d.*]

Vol. II.—Minutes of Evidence, with index and digest.
[Cd. 2,751. 1906. 10*s.* 6*d.*]

Vol. III.—Appendices to Evidence, with index. [Cd. 2,752. 1906. 9*s.* 2*d.*]

NOTE.—Various other volumes containing maps and diagrams, report by advisory board of engineers, etc., have also been published.

Valuation.—Assessment conference (1904). Resolutions passed at the conference with the London rating authorities convened by the London County Council in 1904 with a view to promoting uniformity in assessments throughout the administrative county of London: together with reports by the statistical officer of the county council. [No. 829. 1*s.* (a)]

Rating of land values. Report by the Local Government and Taxation Committee of the London County Council. [No. 127. 1½*d.* (a)]

Proceedings of the London County Council upon the reports of the Local Government and Taxation Committee with reference to the report of the Royal Commission on Local Taxation. March, 1902. [No. 561. 1*s.* (a)]

(a) This is a publication of the London County Council.

MAIDSTONE.—Report to the Local Government Board on the epidemic of typhoid fever, 1897 ; with appendices, maps, photographs, charts, diagrams, and plans. [*Cd.* 9,000. 1898.]

MEASLES IN ENGLAND AND WALES.—Report by Dr. Theodore Thompson, with an introduction by the medical officer of the Local Government Board, and extracts from Medical Officer's Report, 1894—95. [1896. *4d.* (a)]

METROPOLITAN WATER BOARD.—Statement showing the population and rateable (and assessable) values of the boroughs and urban districts to be represented on the Water Board ; together with the same particulars relating to the boroughs, urban districts, and rural districts (or the parts thereof) within the Metropolitan water area to be either excluded from that area or unrepresented on the Water Board ; also the proportion which the population and the rateable value of each district bears to the total population and the total rateable value respectively of the whole of the proposed water area. [*No.* 374. 1902.]

MUNICIPAL CORPORATIONS (REPRODUCTIVE UNDERTAKINGS).—Return of the reproductive undertakings carried on by municipal boroughs (ordered by the House on the 4th day of August, 1898), brought up to the 31st day of March, 1902 (in continuation of Parliamentary Paper, *No.* 88, of Session 1889).—SIR HENRY FOWLER. [*No.* 398. 1902.]

Return showing certain particulars as to the water, gas, tramways, electric lighting, and other reproductive undertakings carried on by municipal boroughs. [*No.* 88. 1899.]

MUNICIPAL EMPLOYEES.—Return showing number of persons in employ of London County Council and council of each metropolitan borough and county borough in England and Wales during week ending 3rd November, 1906, distinguishing number employed on clerical staff. [*No.* 136. 1907. *1d.*]

MUNICIPAL TRADING—

Reports from joint select committees of the House of

(a) This is a publication of the Local Government Board.

Lords and House of Commons on municipal trading ; with proceedings, evidence, appendix, and index. [No. 305. 1900. No. 270. 1903.]

NOTE.—These committees were appointed to consider and report as to the principles which should govern powers given by Bills and Provisional Orders to municipal and other local authorities for industrial enterprise within or without the area of their jurisdiction. There has been no re-appointment of the joint select committee since 1903, but a departmental committee has been appointed by the President of the Local Government Board to inquire into the system upon which borough accounts are kept; see Part V., “Audit of Accounts.”

NURSES.—Report from Select Committee on Registration of Nurses; with the proceedings, evidence, appendix, and index. [No. 263. 1905.]

OYSTERS. (See also “Local Government Board.”)

Report by Dr. H. J. Bulstrode on oyster-borne enteric fever following the mayoral banquets at Winchester and Southampton, and enteric fever occurring simultaneously elsewhere, and also ascribed to oysters. [No. 185. 1s. (a)]

Report by Dr. G. S. Buchanan on the occurrence of certain cases of enteric fever in six sanitary districts of Essex and Suffolk and oysters in relation thereto. [No. 125. 9d. (a)]

PAUPERISM AND POOR RELIEF.

Amounts expended by boards of guardians for in-maintenance and outdoor relief. [*Issued half-yearly.*]

Statements of number of paupers relieved. [*Issued monthly and half-yearly.*]

Return showing certain particulars with respect to population, death rate, and pauperism in the poor law unions of London, Manchester, Liverpool, Birmingham, Leeds, Sheffield, and Bristol. [No. 364. 1904. ½d.]

(a) This is a publication of the Local Government Board.

Boards of Guardians (Persons in receipt of Relief).—

Return showing in respect of each union and parish under a separate board of guardians in England and Wales the number of persons of each sex in receipt from boards of guardians (a) of indoor relief, or (b) of outdoor relief, on the 1st day of September, 1903, who were over 60 years of age, distinguishing those who were over 60 and under 65, 65 and under 70, 70 and under 75, 75 and under 80, and 80 years of age and upwards; lunatics in asylums, licensed houses, and registered hospitals; vagrants and persons who were only in receipt of relief constructively by reason of relief being given to wives or children, not being included (in continuation of Parliamentary Paper, No. 36, of Session, 1891); and showing in regard to (a) the number of those who in the opinion of the medical officer of the workhouse could not satisfactorily take care of themselves owing to mental or physical infirmity.—Mr. BURT. [No. 113. 1904.]

Comparative statement of number of paupers (except lunatics and vagrants) in England and Wales in receipt of relief on the last day of each week in every month in every year from 1857 to 1900. [No. 135. 1900.]

Specimens of special rules for administration of relief. [1899. 1d. (a)]

*Poor Law (Indoor and Outdoor Relief).—*Return showing, in respect of each union and parish under a separate board of guardians in England and Wales, the number of persons of each sex of 65 years of age and upwards, and the number under 65 years of age who had attained 16 years of age, and the number of children under 16 years of age, in receipt from boards of guardians of indoor relief and outdoor relief respectively on 1st January, 1892, and at any time during the 12 months ended at Lady Day, 1892, vagrants

(a) This is a publication of the Local Government Board.

and lunatics in asylums, licensed houses, and registered hospitals not being included, and the persons in receipt of medical relief only being distinguished. [No. 265. Sess. 1. 1892.]

Paupers (England and Wales).—Return showing the number of paupers in receipt of relief on 1st January, 1891; the expenditure on in-maintenance and outdoor relief, and the total expenditure on relief to the poor, during the year ended the 25th March, 1891, in England and Wales; and also the ratio of pauperism and of the total cost of relief to the population, as given in the Preliminary Report to the Census of 1891 (in continuation of Parliamentary Paper, No. 480, of Session, 1888). [No. 266. Sess. 1. 1892.]

PHYSICAL DETERIORATION. Inter-Departmental Committee on.

Vol. I.—Report and appendix. [Cd. 2,175. 1904. 1s. 2d.]

Vol. II.—Minutes of evidence and list of witnesses. [Cd. 2,210. 1904. 4s. 1d.]

Vol. III.—Appendix and general index (with illustrations and diagrams). [Cd. 2,186. 1904. 1s. 6d.]

PLAGUE.

Notification of cases of.—Circular, dated 20th September, 1900, to sanitary authorities in England and Wales (including London). [1d. (a)]

Memorandum, dated September, 1900. [1d. (a)]

Memorandum, dated October 9, 1900. [1d. (a)]

General regulations for the prevention of the introduction and spread of. Translation of the Venice Convention. [1901. 6d. (a)]

Ship-borne rats and plague.—Memorandum, dated April, 1901. [1d. (a)]

Reports and papers on bubonic plagues, by Dr. R. Bruce Low. [Cd. 748. 1901.]

(a) This is a publication of the Local Government Board.

Plague Prophylactic.—Preliminary report by Dr. Klein, F.R.S., on a new. [No. 228. 1*l.* (a)]

POOR LAW ADMINISTRATION.—Report by Mr. E. B. Wethered. Extract from annual report of the Local Government Board, 1901—1902. [2*d.* (a)]

POOR LAW CHILDREN.—Report by Dr. S. Stephenson to the Local Government Board on the ophthalmic state of poor law children in the Metropolis (with diagrams and plates). [Cd. 8,597. 1897.]

Report by T. J. Macnamara, M.P., D.C.L., to the President of the Local Government Board. [Cd. 3,899. 1908. 6*d.*]

POOR LAW COMMISSION (1834).—Copy of report made in 1834 by the commissioners for inquiring into the administration and practical operation of the poor laws. [Cd. 2,728. 1906. 1*s.* 8*d.*]

POOR LAW SCHOOLS.

Industrial Training of Girls in the Separate and District Schools in the Metropolitan District.—Report to the Local Government Board by Miss Ina Stansfield (Assistant Inspector). [Cd. 237. 1900.]

Metropolitan Poor Law Schools.—Report to the Local Government Board on the ventilation and warming in certain metropolitan poor law schools ; with appendices (with plans and diagrams). [Cd. 9,001. 1898.]

Poor Law Schools Committee's Report.—Return showing the number of male and female inmates of metropolitan workhouses and infirmaries on the 1st day of June, 1896, who had been educated wholly or in part in metropolitan separate or district poor law schools during the past thirty years, distinguishing those who had been inmates of such schools respectively for less than one year, for more than one year but less than three, for more than three but less than five years, and for more than five years, and

(a) This is a publication of the Local Government Board.

further distinguishing those who had become chargeable through sickness or permanent mental or bodily infirmity from those who had become chargeable by their own default. [*No.* 308. 1896.]

Poor Law Schools Committee.—Report of the departmental committee appointed by the Local Government Board to inquire into the existing systems for the maintenance and education of children under the charge of district schools and boards of guardians in the Metropolis, and to advise as to any changes that may be desirable. [*Cd.* 8,027. 1896.]

Minutes of evidence taken before the committee. [*Cd.* 8,032. 1896.]

Appendices to minutes of evidence taken before the committee. [*Cd.* 8,033. 1896.]

POOR LAW UNIONS AND PARISHES.

Mile End Old Town.—Report of Mr. F. J. Willis into certain matters connected with the administration of the Guardians of the Hamlet of. [*Cd.* 4,011. 1908. 4d.]

Poor Law Unions.—Statement of the names of the several unions and poor law parishes in England and Wales, and of the population and area thereof, together with the post town of each parish. [*Cd.* 8,861. 1898.]

Poor Law Parishes (England and Wales).—Return of the number of poor law parishes and parts of parishes in each administrative county, county borough, and rural sanitary district of England and Wales, with populations, according to the 1891 census, under 200, 200 and under 300, 300 and under 400, 400 and under 500, and 500 and under 1,000 respectively. [*No.* 315. 1893—1894.]

Poplar Union.—Report of Mr. J. S. Davy, C.B., into the general conditions of the Poplar Union: its pauperism and the administration of the guardians and their officers. [*Cd.* 3,240. 1906. 1s. 11d.]

Transcript of shorthand notes taken at the public inquiry. [*Cd.* 3,274. 1906. 3s. 3d.]

PRIVATE BUSINESS.—Report of select committee appointed to inquire whether, in view of the time at which private business is taken under the resolution of May 1st, 1902, any alterations in the standing orders are desirable in the interests of economy, efficiency, and general convenience. [No. 378. 1902. 2s. 1d.]

PUBLIC WORKS LOANS BOARD.

Reports of. [*Issued annually.*]

RATES AND RATING. (See also *Land*.)

Return as to the boroughs of Birmingham, Leeds, Liverpool, Manchester, Sheffield, and West Ham, and the metropolitan borough of Holborn, showing (i) the rateable value of the whole of the rateable hereditaments in the borough, and (ii) particulars of certain rateable hereditaments therein occupied by corporation or joint stock or other companies. [No. 215. 1906. $\frac{1}{2}$ d.]

Return showing for each union in England and Wales (a) the gross estimated rental and (b) the rateable value in 1899 and 1906 of (i) all rateable hereditaments, and (ii) railways included in (i). [No. 188. H.L. 1906.]

Return showing the amount in the pound of all rates raised in the county of London and in the surrounding districts (a). [*Issued annually.*]

Return of the general rate made for each parish in the county of London for the three years ended March, 1902, 1903, and 1904, compared with the total rates made for the three years ended March 1898, 1899, and 1900; together with the portion of the general rate required for borough council services for the years ended March 1902, 1903, and 1904, compared with the rates required for vestry and district board services for the years ended March, 1888, 1899, and 1900. [No. 669. 2d.]

(a) This is a publication of the London County Council.

Return of the several Acts of Parliament which have from time to time been passed relating to parishes in the county of London, together with the rating clauses therein. [No. 243. 10s. 8d. (a)]

London Local Government (Rates).—Return of the total amount of rates in the pound raised in the several parishes in Schedules (A) and (B) to the Metropolis Management Act, 1855, as amended by subsequent Acts. [No. 117. 1899.]

Public Local Rates and net Expenditure on Relief of the Poor, Elementary Education, and Police, borne by such Rates.—Return showing for the financial year ended in 1898 (1) the total amount of the public local rates raised in England and Wales, excluding rates charged for water or gas supplied to private individuals, or for private improvement works; and (2) the net expenditure on (a) the relief of the poor; (b) elementary education; and (c) police, borne by such rates. [No. 156 (part). 1896.]

Similar return for financial year ended in 1894. [No. 376 (part). 1896.]

Rates in Metropolis (Leakages).—Return giving, as regards each parish in the Metropolis, the following particulars:—

- (1) The rateable value of the parish on which the last poor rate closed prior to the 25th day of March, 1893, was made;
- (2) The amount which a rate of one penny in the pound on that rateable value would produce if the whole rate were collected;
- (3) The sum actually produced in respect of each penny of the rate;
- (4) With regard to the difference, the approximate proportion of the amount which was attributable (a) to allowances to owners who are

(a) This is a publication of the London County Council.

rated instead of the occupiers ; (b) to excusals on the ground of poverty ; and (c) to empties, removals, and other causes ;

- (5) The number of assessments in respect of which commissions were allowed to owners under agreements made in pursuance of s. 3 of the Poor Rate Assessment and Collection Act, 1869, and the percentages of such commissions ;
- (6) Whether any order of the vestry, in pursuance of s. 4 of the said Act, was in force in the parish during the year ended the 25th day of March, 1893 ;
- (7) The number of assessments in respect of which abatements of 15 per cent. were allowed to owners under sub-s. (1) of the last-mentioned section ; and
- (8) The number of assessments in respect of which further abatements were allowed under sub-s. (2) of the same section to owners who were willing to be rated whether their premises were occupied or not, and the percentages of such further abatements.

[No. 487. 1893—1894.]

Rating (Metropolis).—Return, with respect to each parish in the Metropolis, of the population, and the number of inhabited houses, according to the last published census returns ; the rateable value, according to the valuation lists in force on the 6th April, 1890 ; and the several rates made by the rating authority during the year ended the 25th March, 1891 (in continuation of Parliamentary Paper, No. 126, of Session 1889). [No. 264. 1892.]

County Boroughs (Rates and Receipts from Local Taxation Account).—Return showing the rateable value, according to the poor rate valuation, of each county borough at Lady Day, 1889 and 1890 ; the total amount raised

by all rates in the borough, excluding gas and water rates, during each of the years ended on the 25th day of March, 1890, and the 25th day of March, 1891; the amount paid out of the local taxation account, to or on behalf of the borough, during each of the years ended on the 31st day of March, 1890, and the 31st day of March, 1891; and the amount so paid in respect of the last-mentioned year after the termination of that year. [No. 367. 1891.]

Rates (Liverpool and certain other Municipal Boroughs).—

Return showing the rate in the pound of all rates other than water and gas rates, or rates for private improvement works, levied in the municipal boroughs of Liverpool, Birmingham, Manchester, Leeds, Sheffield, Bristol, Nottingham, Bradford, Salford, Kingston-upon-Hull, Newcastle-upon-Tyne, West Ham, Portsmouth, and Leicester, in each of the years ended Lady Day, 1870, 1880, and 1890. [No. 15. 1890.]

RELIEVING OFFICERS AND POOR LAW MEDICAL OFFICERS.—

Circular dated July 11, 1896, *re* duties of (a). [1*d.*]

SALE OF FOOD AND DRUGS ACT.—Extracts from annual reports of the Local Government Board (a). [4*d.* each.]

SANDGATE HOMES (PAUPERS CHARGEABLE TO METROPOLITAN UNIONS).—Return showing, (1) the number of paupers chargeable to each metropolitan union who were inmates of convalescent or similar homes at Sandgate; (2) the complaints on account of which such paupers were sent to the homes, and the number suffering from each complaint; (3) the weekly or other amount paid by the guardians per head for such paupers; and (4) the periods during which such paupers had been inmates of the homes. [No. 323. 1904.]

SANITARY CONDITION AND ADMINISTRATION OF DISTRICTS.—

Reports by medical inspectors of Local Government Board (a). A large number of these have been issued varying in price from 2*d.* to 1*s.* 6*d.*

(a) These are publications of the Local Government Board.

SMALL-POX. (See also Part XXIX., "Hospitals.")

Return showing, as regards each port or other sanitary district in England and Wales (exclusive of any district in London) in respect of which, during the year ended March 25th, 1905, cases of small-pox have been reported to the Local Government Board, the number of such cases, and also, where the number reported has exceeded 100, the estimated amount of the expenditure incurred by the sanitary authority in consequence of the occurrence of such cases.—SIR JOHN TUKE. [No. 279. 1905. 1*l.*]

Memorandum on the steps to be taken where prevalent. March and September, 1901. [1*l.* each (a).]

Circular to town, urban, and rural councils, dated September 25th, 1902. [1*l.* (a)]

Circular to guardians. [1*l.* (a)]

Report by Dr. R. Bruce Low on arrangements made in Germany for isolation of small-pox cases. [No. 192. 1*s.* (a)]

Report by Dr. R. J. Reece on small-pox and small-pox hospitals in Liverpool. [No. 208. 2*s.* 6*d.* (a)]

Memorandum by Dr. F. W. Barry, dated October, 1893, of certain methods in use for the sterilisation of the exit air from the wards of small-pox hospitals. [3*s.* 6*d.* (a)]

STARVATION. (See also "Unemployed.")

Deaths from starvation or accelerated by privation in the county of London, with observations furnished to the Local Government Board by boards of guardians with reference to cases included in the return. [*Issued annually.*]

TITHE RENT CHARGE.

Report of the commissioners appointed to inquire into the redemption of tithe rent charge in England and Wales; with evidence, appendix, analysis, and index. [*Cd.* 6,606. 1892.]

TOWN IMPROVEMENTS. (See "Betterment.")

(a) This is a publication of the Local Government Board.

TRAMWAYS.

*Tramways and Light Railways (Street and Road).—*Return of street and road tramways and light railways authorised by Act or Order, showing amount of capital authorised, paid up, and expended; length of line authorised, and length open for the public conveyance of passengers, down to 30th June, 19 ; gross receipts, working expenditure, and net receipts; number of passengers conveyed, and number of miles run by cars during the year ended 30th June, 19 ; together with number of horses, engines, and cars at that date. [*Issued annually.*]

TUBERCULOSIS.

Royal Commission on Tuberculosis (Human and Bovine).—

Interim report of royal commission appointed to inquire into the relations of human and animal tuberculosis. [*Cd.* 2,092. 1904.]

Second interim report. [*Cd.* 3,322. 1907.]

Circular dated September 7th, 1904, as to seizure and condemnation of tuberculous meat. [*1d.* (a)]

Circular dated September 6th, 1901, to councils of metropolitan and other boroughs, and of urban and districts. [*1d.* (a)]

Royal commission appointed to inquire into the effect of food derived from tuberculous animals on human health.

Part. I.—Report. [*Cd.* 7,703. 1901.]

Reports of other royal commissions on tuberculosis.

Part I. [*Cd.* 8,824. 1898.]

Part II.—Minutes of Evidence. [*Cd.* 8,831. 1898.]

Part I. [*Cd.* 7,703. 1895.]

Parts II. and III. [*Cd.* 7,992. 1895.]

UNEMPLOYED.

Return as to the proceedings of distress committees in England and Wales and of the Central (Unemployed) Body for London under the Unemployed Workmen Act, 1905, during the year ending 31st March, 1907. [No. 326. 1907. 3*d*.]

NOTE.—A similar return was issued in respect of the previous year. [No. 392. 1906. 3½*d*.]

Return showing, in respect of the common council of the city of London, and each of the metropolitan borough councils, the amount expended in wages for work undertaken specially for the purpose of providing work for unemployed workmen during the six months ending March 31st, 1905, distinguishing the expenditure met out of local rates, voluntary subscriptions, and contributions by the Central Unemployed Committee, and specifying the nature of the work, the number of men employed, the rate of pay, the period for which the work lasted, and the average number of days' work allowed each man; and also showing the estimated amount which would have been paid in wages if the work had been carried out under ordinary conditions. [No. 193. 1905. 1½*d*.]

Preliminary statement by the Central Executive Committee of the London Unemployed Fund. [*Cd.* 2,561. 1905. 5½*d*.]

Mr. Long's scheme. [October 29th, 1904. 1*d*. (a)]

Mr. Long's scheme (the central committee). [November 20th, 1904. 1*d*. (a)]

Minutes of the proceedings at a conference on February 13th and April 3rd, 1903, between representatives of the London County Council and of the administrative authorities in London; together with a report of the General Purposes Committee of the Council. [No. 662. 6*d*. (b)]

(a) This is a publication of the Local Government Board.

(b) This is a publication of the London County Council.

Reports of Select Committee on Distress for Want of Employment.

First Report; with proceedings and evidence. [No. 111. 1895.]

Second Report; with appendix. [No. 253. 1895.]

Third Report; with proceedings, evidence, appendix, and index. [No. 365. 1895.]

Circular addressed by Local Government Board on 30th September, 1893, to sanitary authorities in England and Wales with reference to providing, in times of exceptional distress, employment for the unemployed. [No. 454. 1893.]

VACCINATION.

Departmental Committee on Vaccination Expenses.

Part I.—Report. [Cd. 2,420. 1905. 2½d.]

Part II.—Minutes of Evidence, with appendix and index. [Cd. 2,421. 1905. 3s. 2d.]

Return of the circular letter on the subject of vaccination exemption certificates issued by the Home Office on September 1st, 1904. [No. 113. 1905.]

Circular to boards of guardians, dated September 2nd, 1902, *re* vaccination prosecutions. [1d. (a)]

Memorandum dated February, 1902, on re-vaccination. [1d. (a)]

Return showing, in respect of each poor law union in England and Wales (1) the number of certificates of conscientious objection under s. 2 of the Vaccination Act, 1898, received by the vaccination officers, which were dated between the 1st day of January and the 31st day of December in each of the years 1900 and 1901; and (2) the number of certificates of successful primary vaccination received by the vaccination officers during each of those years. [No. 384. 1902.]

NOTE.—For earlier returns of a similar character, see No. 354, of 1900, and No. 89, of 1899.

(a) This is a publication of the Local Government Board,

Circular to boards of guardians dated September, 1901, *re* Vaccination Acts, 1867 to 1898. [*Id.* (a)]

Glycerinated Calf Vaccine Lymph.—Report to the Local Government Board on the preparation and storage of; with an introduction by the medical officer. With plates. [*Cd.* 8,587. 1897.]

Royal Commission on Vaccination (1889—1896).

First Report, issued in 1889. [*Cd.* 5,845.]

Second Report; with evidence and appendices. [*Cd.* 6,066. 1890.]

Third Report; with evidence and appendices. [*Cd.* 6,192. 1890.]

Fourth Report; with appendices. [*Cd.* 6,527. 1890—1891.]

Fifth Report. [*Cd.* 6,666. 1892.]

Sixth Report; with evidence and appendix. [*Cd.* 7,993. 1896.]

Final Report. [*Cd.* 8,270. 1896.]

Appendices to Final Report—

III. Dewsbury outbreak of small-pox in 1891—1892. [*Cd.* 8,609. 1897.]

IV. London outbreaks in 1892—1893. [*Cd.* 8,610. 1897.]

V. Warrington outbreak in 1892—1893. [*Cd.* 8,611. 1897.]

VI. Leicester outbreak in 1892—1893. [*Cd.* 8,612. 1897.]

VII. Gloucester outbreak in 1895—1896. [*Cd.* 8,613. 1897.]

VIII. Outbreaks at Glasgow, Liverpool, Salford, Manchester, Oldham, Chadderton, Leeds, Sheffield, Halifax, and Bradford, in 1892—1893. [*Cd.* 8,614. 1897.]

(a) This is a publication of the Local Government Board.

IX. Cases in which death or non-fatal injury was alleged or suggested to have been connected with vaccination. [*Cd.* 8,615 1897.]

Index to Final Report (pp. 1—141 inclusive. [1898
9*d.* (a)]

Return of convictions under the Vaccination Acts, distinguishing imprisonments from fines, and the length of imprisonment; showing also the repeated conviction and amount of repeated fines since 31st July, 1881 (in continuation of No. 289 of 1881). [*No.* 104 1890.]

VAGRANCY.

Departmental Committee on.

Vol. I.—Report. [*Cd.* 2,852. 1906. 1*s.* 1*d.*]

Vol. II.—Minutes of Evidence; digest, and index [*Cd.* 2,891. 1906. 4*s.* 1*d.*]

Vol. III.—Appendix (with charts and maps). [*Cd.* 2,892. 1906. 5*s.* 1*d.*]

Report to the President of the Local Government Board on methods of dealing with vagrancy in Switzerland [*Cd.* 2,235. 1904. 2*d.*]

Vagabond Children Relieved.—Return of the number of children who received casual relief in the several poor law unions of England and Wales on the nights of 1st July, 1895, and 1st January and 1st July, 1896, 1897, and 1898, distinguishing those under two years of age from those between two years and seven years, and over seven years, respectively [*No.* 322. 1899.]

Circular letter as to vagrancy dated February 25th, 1896 [1*d.* (a)]

(a) This is a publication of the Local Government Board.

Vagrants (England and Wales).—Return of the number of vagrants relieved in the several unions and separate parishes in England and Wales on the night of 1st July and 1st January in each of the five years ended January, 1895, distinguishing adult males and females, and children under 16 years of age. [No. 439. 1895.]

VISITING COMMITTEES.

Memorandum as to duties of. [April, 1895 (reprinted, 1903). *Id.* (a)]

WOMEN.

Return as to number of women serving on local authorities in England and Wales. [*Cd.* 351. 1907.]

WORKHOUSES. (See also "Paupers and Poor Relief.")

Workhouse Accounts.—Report of departmental committee appointed to inquire into the method of keeping workhouse accounts. [*Cd.* 1,440. 1903.]

Workhouse Nursing.—Report and summary of recommendations of departmental committee appointed to inquire into the nursing of the sick poor in workhouses. [*Cd.* 1,366. 1902.]

Minutes of Evidence; appendix, and index. [*Cd.* 1,367. 1902.]

Lunatics in.—Circular dated July 30th, 1901, *re* detention of. [*Id.* (a)]

Lunatics and Epileptics in Workhouses.—Return of the number of (a) lunatics, and (b) epileptics, not classed as insane, who were inmates of workhouses in England and Wales on the 1st January, 1900, showing the numbers admitted from each administrative county and county borough. [No. 362. 1900.]

(a) This is a publication of the Local Government Board.

Workhouse Dietaries.—Report of a committee appointed by the President of the Local Government Board to inquire as to the question of workhouse dietaries. [Cd. 9,002. 1898.]

Circular dated October 11th, 1900. [1d. (a)]

Schedule B, Form A.—

Christmas and Lady Day Quarters. [1d. (a)]

Midsummer and Michaelmas Quarters. [1d. (a)]

Workhouse Chaplains.—Return showing the names of the unions in England and Wales for which there are paid chaplains for the inmates of the workhouses ; and also, of the unions where there are no paid chaplains of the workhouses, and in such cases what religious ministrations are provided for the inmates. [No. 202. H. L. 1898.]

Nursing of Sick.—

General Order dated August 6th, 1897. [1d. (a)]

Circular to guardians dated August 7th, 1897. [1d. (a)]

Nursing in Sick Wards.—Extracts from memorandum of Dr. Downes, dated April, 1892. [1d. (a)]

Workhouses, etc.—Return showing, in respect of each workhouse and separate workhouse infirmary in England and Wales, the number of persons occupying the wards for the sick on the 1st day of June, 1896 (distinguishing the sick and bedridden from those who are aged and infirm only) ; the number of paid officers acting as nurses (distinguishing those who, prior to their appointment by the guardians, had received any training in nursing from those who had no training prior to appointment, and who are

(a) This is a publication of the Local Government Board.

now, as probationers or otherwise, receiving training in nursing); and the period or average period of tenure of office of such officers, excluding those who had not received training in nursing prior to appointment; also the number of pauper inmates who assist in the personal care of the sick, etc., included in the return, distinguishing the number of those who are convalescent patients. [No. 371. 1896.]

Workhouses, etc.—Return showing, in respect of each workhouse, workhouse infirmary, and sick asylum in England and Wales, the number of the beds in the wards for the sick; the average number of sick persons occupying those wards during the months of September, October, and November, in the year 1890; the number of paid officers acting as nurses; and the number of such officers who, prior to their appointment by the guardians or managers, had received any training in nursing. [No. 365. 1891.]

Classification in.—Circular letter dated July 31st, 1896. [1d. (a)]

Administration.—Circular letter dated January 29th, 1895. [2d. (a)]

Imbecile and Epileptic Children in Workhouses.—Return showing the number, on 1st September, 1894, of imbecile and epileptic children under 16 years of age in each workhouse, separate infirmary, school, or other similar establishment belonging to the guardians of unions in England and Wales (excluding the Metropolis), distinguishing the number of such children who were of dirty habits, and the number who would, in the opinion of the medical officer, be improved by special training. [No. 41. 1895.]

Consumption of Spirits in.—Return showing the quantity of spirits, wine, and malt liquors consumed in each workhouse in England and Wales in 1892 and 1893, with the expenditure in each workhouse for each kind of intoxicating liquor, stating the daily average numbers of inmates in each workhouse (in continuation of Parliamentary Paper No. 292, of Session 1892). [No. 44 (part). 1895.]

PART XLVII.—POLICE STATIONS.*

Jurisdiction of Local Government Board.—Both the Secretary of State for the Home Department and the Local Government Board have jurisdiction with regard to police stations, the latter department being chiefly concerned with the sanctioning of loans in respect thereof, and the alienation of land and buildings.

In all cases, however, in which it is proposed to erect or alter police station buildings, whether a loan is or is not contemplated, the plans should be submitted to the Secretary of State for his approval (if necessary), being addressed to "The Surveyor of Prisons," Home Office, Whitehall, London, S.W., who advises the Secretary of State in these matters, and is authorised to correspond directly with the authorities concerned as to details of plans which require alteration or amendment before such plans are submitted by him to the Secretary of State for approval.

In forwarding the plans, it should be stated whether it is intended to defray the cost of the works by means of a loan to be raised with the sanction of the Local Government Board. In the latter case, the plans, after satisfying the requirements of the Surveyor of Prisons, would be forwarded by him to the Local Government Board for consideration from a sanitary and financial point of view in connection with the application for sanction to a loan.

If and when the loan is sanctioned, the plans are transmitted by the Local Government Board to the Secretary of State, who thereupon gives his approval.

Borrowing powers.—County councils are empowered to borrow money for police station purposes under s. 69 of the

* **BIBLIOGRAPHY.**—"Encyclopædia of Local Government Law," vol. i. pp. 183, 559.

Local Government Act, 1888, and town councils under ss. 106, 109, and 112 of the Municipal Corporations Act, 1882, as amended by s. 72 of the Local Government Act, 1888. In each case, the consent or approval of the Local Government Board is required to the borrowing.

Period for repayment of loans.—A period of thirty years is usually allowed by the Local Government Board for the repayment of a loan for the provision of a police station (including the purchase of land), this being the maximum term which they are empowered to fix under the general law (see s. 69 (5) of Local Government Act, 1888, and s. 112 of Municipal Corporations Act, 1882).

Applications for sanction to loans.—I. COUNTY COUNCILS. An application by a county council for the consent of the Local Government Board to borrow money for police station purposes should be accompanied by—

- (1) A copy of a resolution of the council directing it to be made (*a*) ;
- (2) If the loan is required solely for the purchase of a site, a plan thereof, and, in other cases, an intimation that the plans have been forwarded to the surveyor of prisons (*b*) ;
- (3) A detailed estimate of cost (*c*) ;
- (4) Particulars (in Form K, No. 15 (*d*)) as to the rateable value and debt of the county ;
- (5) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the county council, it should be stated when, under what statutory authority, and for what purpose the land was acquired ; and
- (6) If the building will include a court house, the amount of the loan should be apportioned between police station and court house purposes, and the amount required for each purpose stated.

(*a*) See also "RESOLUTIONS," p. 8.
(*b*) See also "PLANS," p. 6.

(*c*) See also "ESTIMATES," p. 4.
(*d*) See also "FORMS," p. 5.

II. TOWN COUNCILS.—Similar information to that indicated as being required with regard to an application by a county council for consent to a loan for police station purposes should be forwarded in connection with an application by a town council for the Board's approval of the borrowing of money under the Municipal Corporations Act, 1882, for such purposes, except that (1) the application must be made in the manner in which applications for approval of loans under that Act are required to be made, and (2) Form K, No. 55, should be used for supplying the necessary particulars as to the rateable value and debt of the borough.

Alienation of county police stations.—An application by a county council under s. 64 (3) of the Local Government Act, 1888, for the consent of the Local Government Board to the alienation of police stations, gaols, and lockups should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) A statement of the grounds on which the application is made ;
- (3) Information as to the circumstances under which the building became vested in the county council ;
- (4) A small site plan *in duplicate* (on tracing cloth) (a) ;
- (5) A valuation of the property by a valuer independent of the county council ;
- (6) A statement as to whether the county council have made any standing order which under s. 78 (8) of the Local Government Act, 1888, has the effect of obviating the need of compliance with the provisions of s. 24 of the Police (Counties and Boroughs) Act, 1856, and ss. 47 and 76 of the Prisons Act, 1865, as regards the preliminary advertisement of proposals to sell unnecessary police stations. If no such standing order has been made, proofs of compliance with the statutory requirements referred to should be forwarded ; and

(a) See also "PLANS," p. 6, especially para. (11).

- (7) Full particulars of the proposals of the council with regard to the disposal of the monies arising from the transaction, including information as to whether police station purposes and those to which it is proposed to apply the monies are special or general county purposes. If, however, the county council have not, at the time of the application, definitely decided in what way the monies shall be applied, this should be stated.
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PART XLVIII.—POLLUTION OF RIVERS.*

Statutory provisions.—The chief statutory provisions of the general law relating to the pollution of rivers, streams, and other water-courses in England and Wales are contained in the Rivers Pollution Prevention Acts, 1876 and 1893, which include the—

RIVERS POLLUTION PREVENTION ACT, 1876 (39 & 40 Vict. c. 75); and

RIVERS POLLUTION PREVENTION ACT, 1893 (56 & 57 Vict. c. 81);

but important enactments in regard to this matter are also contained in the Public Health Act, 1875 (ss. 17, 48, 69), and Local Government Act, 1888 (s. 14).

These enactments confer considerable powers and impose obligations on sanitary authorities for preventing the pollution of rivers, etc., and by virtue of s. 14 of the Local Government Act, 1888, county councils are also empowered to enforce the provisions of the Acts in relation to so much of any stream as is situate within or passes through or by any part of their county, and may contribute towards the costs of any prosecution under the Act of 1876 instituted by any other county council or by any urban or rural authority. This section further makes provision for the constitution by a Provisional Order of the Local Government Board on the application of the council of any of the counties concerned of a joint committee or other body representing all the administrative counties (including county boroughs) through or by which a river or any specified portion of a river or any tributary thereof passes, and for the conferring on such committee or

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. p. 365; vol. ii. p. 372; vol. vi. pp. 123—168, 293—295. "Encyclopædia of Forms and Precedents," vol. x. pp. 301, 570.

body all or any of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876.

Of the three joint committees constituted as hereinafter mentioned under this provision, the joint committee of the rivers Mersey and Irwell and the West Riding of Yorkshire Rivers Board were vested with additional powers for the prevention of the pollution of rivers within their jurisdiction by two local Acts, viz.—

MERSEY AND IRWELL JOINT COMMITTEE ACT, 1892 (55 & 56 Vict. c. cxci.); and

WEST RIDING OF YORKSHIRE RIVERS ACT, 1894 (57 & 58 Vict. c. clxvi.).

Applications under s. 6 of Rivers Pollution Prevention Act, 1876.—This section provides that—

“proceedings shall not be taken against any person under this part of this Act save by a sanitary authority (a), nor shall any such proceedings be taken without the consent of the Local Government Board: Provided always, that if the sanitary authority, on the application of any person interested alleging an offence to have been committed, shall refuse to take proceedings or apply for the consent by this section provided, the person so interested may apply to the Local Government Board, and if that Board on inquiry is of opinion that the sanitary authority should take proceedings, they may direct the sanitary authority accordingly, who shall thereupon commence proceedings.

“The said Board in giving or withholding their consent shall have regard to the industrial interests involved in the case and to the circumstances and requirements of the locality.

“The said Board shall not give their consent to proceedings by the sanitary authority of any district which is the seat of any manufacturing industry, unless they are satisfied, after due inquiry, that means for rendering harmless the poisonous, noxious, or polluting liquids proceeding from the processes of such manufactures are reasonably practicable and available under all the circumstances of the case, and that no material injury will be inflicted by such proceedings on the interests of such industry.”

(a) In pursuance of s. 14 of the Local Government Act, 1888, above referred to, county councils and the joint committees constituted under that section may now take action under this section of the Act of 1876.

An application by a county council sanitary or other authority under this section for the consent of the Local Government Board to the taking of proceedings against persons for offences under Part III. of the Act should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made;
- (2) A full statement of the grounds on which the application is based;

NOTE.—The statement should give definite information as to the particular acts of pollution alleged and the dates on which they were committed.

- (3) The evidence on which the authority rely to show that the person against whom the proceedings are contemplated is not using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting liquid or matter.

In the case of pollution from mines, the evidence should also show, if possible, that the poisonous, noxious, or polluting matter, is not water in the same condition as that in which it is drained or raised from the mines; and

- (4) A copy of any correspondence which has passed on the subject between the authority and the person concerned.

An application to the Local Government Board under the section to direct a sanitary authority to take proceedings under that section should state—

- (1) That the applicant is a person interested, and should describe the nature of his interest;
- (2) That he has made application to the sanitary authority (the name of which should be specified) alleging that an offence against Part III. of the Act has been committed and that the authority have refused to take proceedings or apply for the consent by the

section provided. The date of the application to the sanitary authority and of their refusal to take action in the matter should be given.

The application should also give particulars of the offence alleged to have been committed, and should formally request the Local Government Board to direct the sanitary authority to take the proceedings contemplated by the section. A copy of any correspondence which has passed between the applicant and the sanitary authority on the subject should accompany the application.

Constitution of joint committees.—An application to the Local Government Board for a Provisional Order under s. 14 (3) of the Local Government Act, 1888 (*a*), constituting a joint committee or other body for the purposes of the Rivers Pollution Prevention Acts should be accompanied by—

- (1) A copy of a resolution of the council directing it to be made. If, however, all the councils concerned concur in the proposal, a joint application should be submitted ;
- (2) A full statement of the grounds on which the application is based ;
- (3) An ordnance map (*b*), mounted on linen, showing by a firm line of colour the precise limits of the area within which it is proposed that the joint committee shall have jurisdiction ; and
- (4) If the application is not a joint one, a statement in tabular form giving the names of the county councils and county borough councils concerned and showing the attitude of each council in regard to the proposal. A copy of any correspondence which has passed between the several councils on the subject should also be forwarded.

Only three Provisional Orders had been made by the Local Government Board under this enactment and confirmed by

(*a*) As to the effect of this enactment, see p. 664.

(*b*) The county diagram maps of sanitary districts may, perhaps, be found most suitable for this purpose.

Parliament up to the end of 1907; these constituted the Mersey and Irwell Joint Committee, the Ribble Joint Committee, and the West Riding of Yorkshire Joint Committee (a), and particulars are given below :

Counties and County Boroughs concerned.	Limits for which Joint Committee was constituted.	Title, etc., of Confirming Act.
COUNTIES— Lancaster. Chester. COUNTY BOROUGH— Bolton. Bury. Manchester. Oldham. Rochdale. Salford. Stockport.	So much of the River Irwell or any tributary thereof and so much of the River Mersey or any tributary thereof, being above the point of intersection thereof by the southern boundary of the borough of Warrington, as passes through either of the counties of Lancaster or Chester or between them or through or by any of the county boroughs of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, and Stockport (b).	The Local Government Board's Provisional Orders Confirmation (No. 10) Act, 1891 (54 & 55 Vict. c. lxxi.).
COUNTY— Lancaster. COUNTY BOROUGH— Blackburn. Burnley. Preston. Wigan.	So much of the River Ribble or any tributary thereof and of the Rivers Darwen and Douglas, and the streams running into the Crossens Channel, as passes through the county of Lancaster, or through or by the county boroughs of Blackburn, Burnley, Preston, and Wigan.	Ditto.
COUNTY— West Riding of Yorkshire. COUNTY BOROUGH— Bradford. Halifax. Huddersfield. Leeds. Rotherham (c). Sheffield.	Every river or tributary thereof which passes through or by the county of the West Riding of Yorkshire or the county boroughs of Bradford, Halifax, Huddersfield, Leeds, and Sheffield (a).	The Local Government Board's Provisional Orders Confirmation (No. 16) Act, 1893 (56 & 57 Vict. c. cxxxii.).

Declaring tidal waters to be a "stream."—By s. 20 of the Rivers Pollution Prevention Act, 1876, the term "stream" is defined as follows :

"Stream" includes the sea to such extent, and tidal waters "to such point, as may, after local inquiry and on sanitary grounds, be determined by the Local Government Board, by order published in the *London Gazette*. Save as aforesaid, it "includes rivers, streams, canals, lakes, and watercourses,

(a) The name of this joint committee was subsequently changed to that of the West Riding of Yorkshire Rivers Board, and further powers were conferred on such Rivers Board by the West Riding of Yorkshire Rivers Act, 1894 (57 & 58 Vict. c. clxvi.).

(b) Further powers were conferred on this joint committee by the Mersey and Irwell Joint Committee Act, 1892 (55 & 56 Vict. c. cxi.).

(c) The County Borough of Rotherham was added by Provisional Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act, 1902 (2 Edw. 7, c. ccx.).

"other than watercourses at the passing of this Act mainly used as sewers, and emptying directly into the sea, or tidal waters which have not been determined to be streams within the meaning of this Act by such order as aforesaid."

An application to the Local Government Board to issue an Order under this enactment determining portions of the sea or tidal waters to be a "stream" within the meaning of the Act should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made.

NOTE.—The resolution should embody a description of the portion of sea or tidal waters to which it refers.

- (2) A plan, showing the *locus in quo*, the tidal limits, and the extent to which it is proposed that the tidal waters should be determined to be a "stream"; and
- (3) A full statement of the grounds on which the application is made.

The annual reports of the Local Government Board show that, up to 31st December, 1906, orders had been issued by that Board determining the under-mentioned tidal waters to be "streams" within the meaning of the section referred to :

Year.	County.	Tidal waters.
1879	Monmouth . .	Parts of the Afon Llwyd (a tributary of the River Usk), and its tributaries.
1887	Glamorgan . .	Part of the River Rumnay.
1890	Kent	Part of the River Medway.
1893	Yorks (N.R.) .	Part of Skelton Beck.
1897	Hants	Parts of Rivers Avon and Stour.
1902	Northumberland .	Willington Gut, Willington Burn, and Wallsend Burn, so far as tidal.

Parliamentary and other papers (a).—The most recent parliamentary papers relating to the pollution of rivers are the reports, etc., of the Royal Commission on Sewage Disposal, particulars of which are given in Part LVII. "Sewerage

(a) Copies of these can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Fetter Lane, London, E.C.

and Sewage Disposal.” It may be mentioned that, in their third report, the commission recommended the formation of rivers boards and the constitution of a new central authority to exercise a general superintendence over the whole country in regard to the prevention of pollution of water, to determine differences between local authorities and manufacturers, etc.; but legislation has not yet been passed to give effect to these recommendations.

The following list includes most of the other papers of importance which have been issued on this subject:—

PUBLICATIONS OF LOCAL GOVERNMENT BOARD.

Report by Mr. T. W. Thompson on an inspection of certain valleys in the counties of Monmouth and Glamorgan, with special reference to (*inter alia*) the pollution of streams. [No. 108. Price 9d.]

Report by Dr. R. Bruce Low on the pollution of the River Dee and its tributary streams by sewage and other impurities. [No. 97. 1896. Price 2s. 3d.]

Report by Dr. R. Bruce Low on the circumstances of the River Trent in Lincolnshire and part of Nottinghamshire, with special reference to the water supplies of populations resident on or near the banks of the river and to the occurrence among those populations of enteric fever. [No. 70. 1894. Price 1s. 6d.]

PARLIAMENTARY PAPERS.

Report from the Select Committee on Rivers Pollution (River Lea); with proceedings, evidence, appendix, and index. [No. 207.—*Sess.* 1. 1886.]

Report to Local Government Board by one of their inspectors under the Rivers Pollution Prevention Act, 1876, on water, pure and impure. [*Cd.* 3,080. 1881.]

Further report on methods of examining water. [*Cd.* 4,085. 1884.]

Reports of the commissioners appointed in 1868 to inquire into the best means of preventing the pollution of rivers—

First Report. Vol. I.—Report and Plans. [*Cd.* 37. 1870.]

Vol. II.—Evidence. [*Cd.* 109. 1870.]

Second Report.—A.B.C. Process of Treating Sewage. [*Cd.* 181. 1870.]

Third Report.—Pollution arising from the Woollen Manufacture and Processes connected therewith.

Vol. I.—Report, Plans, and Facsimiles. [*Cd.* 347. 1871.]

Vol. II.—Evidence. [*Cd.* 347—i. 1873.]

[The fourth report relates to Scotland.]

Fifth Report.—Pollution arising from Mining Operations and Metal Manufactures.

Vol. I.—Report and Maps. [*Cd.* 951. 1874.]

Vol. II.—Evidence. [*Cd.* 951—i. 1874.]

Sixth Report.—Domestic Water Supply of Great Britain. [*Cd.* 1,112. 1874.]

PART XLIX.—POST AND TELEGRAPH OFFICES.*

Powers of urban authority.—Section 7 of the Post Office Act, 1891 (54 & 55 Vict. c. 46), enables the council of any borough, or the urban sanitary authority of any district, if they consider that it would be beneficial to the inhabitants of the borough or district, that any new post office should be on a more expensive site, or of a larger size, or of a more ornate building, or otherwise of a more expensive character, than the Postmaster-General would otherwise provide, to contribute land or money towards such new post office.

Under this enactment a town council or urban district council are empowered to do the following things in respect of a new post office of the character therein described :—

- (i) To contribute money towards the cost ;
- (ii) To appropriate land belonging to them for the purpose of the site ;
- (iii) To purchase land for the site ; and
- (iv) To borrow money for the purposes of the section.

No sanction on the part of the Local Government Board is required to a contribution by any such council towards the cost, unless the council propose to borrow money in respect thereof ; but the consent of the Board is necessary to the appropriation or purchase of land for the site.

The borrowing of money by a town council for the purposes of the section is subject to the approval of the Local Government Board under s. 106 of the Municipal Corporations Act, 1882, as amended by s. 72 of the Local Government Act, 1888, while borrowing by an urban district council requires

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. iv. p. 207 ; vol. v. pp. 178—182 ; vol. vi. pp. 416—431.

the sanction of the Board in pursuance of s. 233 of the Public Health Act, 1875.

Further, s. 1 of the Post Office Guarantee (No. 2) Act, 1898 (61 & 62 Vict. c. 59), enables the council of any borough or any urban district, if they consider that it would be beneficial to the inhabitants of the borough or district that any post or telegraph office should be established or any additional facilities (postal or other) provided by the Postmaster-General in or for the purposes of such borough or district, to undertake to pay the Postmaster-General any loss he may sustain by reason of the establishment or maintenance of the office or the provision of the facilities.

Powers of rural district council, parish council, and parish meeting.—Rural district councils, parish councils, and parish meetings (where the parish has not a parish council) derive such powers as they possess in relation to the provision of post and telegraph offices from the under-mentioned enactments :

POST OFFICE ACT, 1891, s. 8 (54 & 55 Vict. c. 46) ;

POST OFFICE AMENDMENT ACT, 1895, s. 1 (58 & 59 Vict. c. 18) ;
and

POST OFFICE (GUARANTEE) ACT, 1898, s. 1 (61 & 62 Vict. c. 18).

SECTION 8 OF THE POST OFFICE ACT, 1891, enables any rural sanitary authority, if they consider that it would be for the benefit of any contributory place or places within their district that any post or telegraph office should be established or any additional facilities (postal or other) provided by the Postmaster-General in such place or places, to undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance of such office or the provision of such facilities.

SECTION 1 OF THE POST OFFICE AMENDMENT ACT, 1895, confers upon the parish council of a parish, or where there is no parish council the parish meeting, the like powers as are given to a rural sanitary authority under s. 8 of the Post Office Act, 1891.

SECTION 1 OF THE POST OFFICE (GUARANTEE) ACT, 1898, enables the powers conferred upon a rural district council, parish council, and parish meeting respectively, by s. 8 of the Post Office Act, 1891, and by the Post Office Amendment Act, 1895, to be exercised with reference to any post or telegraph office, or any additional postal or other facilities provided by the Postmaster-General, although such office is established or facilities provided outside the boundary of any contributory place or the rural district or parish for which such council or meeting acts.

It will be observed that a rural district council, parish council, or, where there is no parish council, a parish meeting can only undertake to guarantee the Postmaster-General against loss under these enactments where they consider that a new post or telegraph office should be established or additional facilities (postal or other) provided. In this connection, it may be mentioned that the Local Government Board have expressed the view that a guarantee under these enactments can be given in respect of a money order office and savings bank, and also of a telephone, the latter purpose being, in their opinion, a facility within the meaning of the Acts. The sanction of the Local Government Board is not required to the giving of the guarantee.

Any expenses incurred by a parish council in pursuance of a guarantee to the Postmaster-General would, by virtue of s. 1 of the Post Office Amendment Act, 1895, be subject to the provisions of s. 11 of the Local Government Act, 1894, sub-s. (3) of which provides (*inter alia*) that the sum raised in any local financial year by a parish council for expenses (other than expenses under the Adoptive Acts) shall not exceed a sum equal to a rate of sixpence in the pound on the rateable value of the parish at the commencement of the year. And any like expenses of a parish meeting would be subject to the provisions of s. 19 (9) of the Act of 1894 referred to, which enact that a rate levied for defraying the expenses of the parish meeting (when added to expenses under any of the Adoptive Acts) shall not exceed sixpence in the pound in any local financial year. The expenses in both cases would be payable out of the poor rate.

Applications for consent to appropriate or purchase land.

—An application by a town council or urban district council under s. 7 of the Post Office Act, 1891, for the consent of the Local Government Board to the appropriation or purchase of land (where, in the latter case, no loan is involved) should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) Information, *where land is to be appropriated*, as to when, under what statutory authority, and for what purpose the land was acquired by the council, or, *where land is to be purchased*, as to whether a provisional agreement has been entered into for the purchase ;
- (3) A map of the borough or district showing by colour the position of the site, and a small plan *in duplicate* (on tracing cloth) of the land (a) ; and
- (4) A concise statement of the proposals of the council and of the circumstances under which the application is made. A copy of any correspondence which has passed between the council and the Postmaster-General on the subject should also be forwarded.

Applications for sanction to loans.—An application by a town council under s. 7 of the Post Office Act, 1891, to the Local Government Board to approve of the borrowing of money for the purpose of a contribution towards the cost of a new post office, or for the purchase of land as a site for a post office, should be embodied in a memorial of the council under the corporate seal.

The memorial (which should be on paper of foolscap size) should fully set out the facts as to the proposals of the town council, the estimated cost of the scheme, and the circumstances under which the application is made ; and should state, as regards any land to be purchased, the area and situation of the land, and whether a provisional agreement has been

(a) See also "PLANS," p. 6, especially paragraph (11).

entered into for the purchase thereof. It should be accompanied by—

- (1) A copy of the notice given in pursuance of s. 236 of the Municipal Corporations Act, 1882, endorsed with a certificate to the effect that the notice has been affixed to the town hall for one month prior to the date of the application, and that the application itself has been open to public inspection during that period;
- (2) A map of the borough showing by colour the position of the site, together with a plan (on tracing-cloth) of the land to be purchased, or, in the case of a contribution of money, plans of the building to be erected;
- (3) A copy of any correspondence which has passed between the council and the Postmaster-General on the subject; and
- (4) Information (in Form K, No. 55 (a)) as to the rateable value and debt of the borough.

Similar information should be furnished in connection with an application by an urban district council for the sanction of the Local Government Board to the borrowing of money for such purposes, except that the application should be made by resolution, of which a copy should be forwarded; and particulars as to the assessable value and debt of the district should be supplied in Form K, No. 2 (a).

(a) See also "FORMS," p. 5.

PART L.—PRIVATE STREET WORKS.*

Statutory provisions.—The chief statutory provisions conferring powers on local authorities in England and Wales (outside the administrative county of London) in relation to the making up of private streets are contained in the under-mentioned statutes :

PUBLIC HEALTH ACT, 1875 (see especially ss. 150—152, 213—215, 257, 268 ;

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (ss. 11 (2), 41) ; and

PRIVATE STREET WORKS ACT, 1892.

Under the Public Health Act, 1875, an urban authority, that is to say, a town council or urban district council, may require any street or part of a street in their district, not being a highway repairable by the inhabitants at large, to be sewered, levelled, paved, metalled, flagged, channelled, or lighted, at the cost of the owners of property fronting, adjoining or abutting thereon and, on the default of the owners, may carry out the works themselves and recover the expenses in a summary manner or declare them to be private improvement expenses (s. 150). When the street has been made up to their satisfaction, the council may declare it to be a highway repairable by the inhabitants at large (s. 152 ; and 53 & 54 Vict. c. 59, s. 41). Provision is also made in the Act for appeal to the Local Government Board against the decision of the local authority by any person aggrieved thereby within a specified time, and the Board are empowered to make such Order in the matter as may seem equitable (s. 268).

Somewhat similar provisions are contained in the Private Street Works Act, 1892 ; and, under that Act, the urban

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 27, 483, 495—497 ; vol. ii. pp. 526, 527 ; vol. v. pp. 225—273. "Encyclopædia of Forms and Precedents," vol. vii. pp. 91 *et seq.* ; vol. x. pp. 273, 274, vol. xi. pp. 49—88. Scholefield and Hill's "Private Street Works Act, 1892."

authority may contribute the whole or a portion of the expenses of any private street works and pay the same out of the district fund or general district rate or other rate out of which the general expenses incurred under the Public Health Act, 1875, are payable (s. 15). Objections under this Act to the proposals of the authority and to the final apportionment of the expenses are determinable by a court of summary jurisdiction (ss. 8, 11).

It may be added that the Private Street Works Act, 1892, and the provisions of the Public Health Acts Amendment Act, 1890, to which reference has been made, are only in force where they have been adopted by the urban authority and that, where the Private Street Works Act, 1892, is in force, procedure under ss. 150—152 of the Public Health Act, 1875, or s. 41 of the Public Health Acts Amendment Act, 1890, is not available to the authority (s. 25 of the Act of 1892).

Powers of rural district council.—A rural district council are not empowered to execute private street works unless they have been invested with the powers of an urban authority in regard to such works by an Order of the Local Government Board made in pursuance of an application under—

- (i) Section 276 of the Public Health Act, 1875 ; or
- (ii) The aforesaid section and s. 5 of the Public Health Acts Amendment Act, 1890 ; or
- (iii) Section 4 of the Private Street Works Act, 1892.

It would not accord with the practice of the Local Government Board to put the powers of s. 150 of the Public Health Act, 1875, in force as regards any street in a rural district except in conjunction with s. 152 of that Act, or with s. 41 of the Public Health Acts Amendment Act, 1890, with a view to the street being declared to be a highway repairable by the inhabitants at large as soon as the necessary works have been carried out. Any application, therefore, for an Order putting s. 150 of the Act of 1875 in force should extend also to one or other of the enactments referred to.

It is of course competent to a rural district council to apply

instead for the powers of the Private Street Works Act, 1892; and it would be well, therefore, before making application to the Local Government Board for an Order, for the rural district council to carefully consider which of the three alternative sets of provisions alluded to, viz.

(a) SECTIONS 150 and 152 of the PUBLIC HEALTH ACT, 1875;

(b) SECTION 150 of the PUBLIC HEALTH ACT, 1875, and SECTION 41 of the PUBLIC HEALTH ACTS AMENDMENT ACT, 1890; or

(c) THE PRIVATE STREET WORKS ACT, 1892,

are best suited to the circumstances of the locality.

It is the usual practice of the Local Government Board to limit the grant of these powers to specified streets or parts of streets, and to exempt from their Order the provisions of the enactments referred to, so far as they relate to sewerage.

Accordingly, in the absence of exceptional circumstances, an application by a rural district council for the above-mentioned powers should be limited to particular streets or parts of streets which are already sewered or in regard to which satisfactory arrangements exist for disposing of the sewage from the houses abutting thereon. Any such application should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made, and undertaking to take over the streets or parts of streets to which the application relates as highways repairable by the inhabitants at large as soon as the works required by the rural district council have been carried out;

NOTE.—The resolution should specify the precise enactments which it is desired should be put in force, the names of the streets or, if the streets are not named, a description of the streets for which the powers are required, and the name of the contributory place in which such streets are situate. Where the powers are wanted in respect of an entire street which has fixed

termini, the name of the street will be a sufficient description, but, where the application relates to parts of streets or streets which are capable of being extended, a description thereof (including information as to length) should be given. The following descriptions of streets and parts of streets taken from Orders issued by the Local Government Board will sufficiently indicate the character of the descriptions required :

- (a) " Victoria Road."
- (b) " Tharp Road, for a distance of 686 feet or
" thereabouts, measured in an easterly
" direction from its junction with
" Demesne Road."
- (c) " Park Lane, for a distance of 1,750 feet or
" thereabouts, measured from the London,
" Brighton, and South Coast Railway in
" a northerly direction to the boundary
" of the contributory place."
- (d) " Back Streets situate between Deanery
" Street and Front Street."
- (e) " Back Street situate at the rear of houses
" on the north side of the western portion
" of Deanery Street."
- (f) " Street, at the back of Trinity Road, leading
" from Queen's Road to Hill Road."
- (g) " Back Hargill Hill Terrace, with the two
" cross streets connecting the north-
" eastern and south-western extremities
" thereof with Hargill Hill Terrace."
- (h) " Cross Street leading from Railway Street to
" School Street."

- (2) Plans (on tracing-cloth, drawn to scale, and with the points of the compass marked thereon), showing (a) the streets or parts of streets to which the application relates, the names and termini of the streets, and the name of the contributory place in which they are

situate, (b) the position of the sewer to which the houses in each street drain, and (c) the houses built or being erected in each street ;

- (3) Information, in regard to each street only partly sewered, as to the length sewered. With respect to any street or part of a street in which no sewer has been laid, it should be stated what arrangements exist or are proposed for disposing of the sewage of the houses abutting thereon, and whether a public system of sewerage has been carried out for the contributory place ; and
- (4) A statement, as regards any street in which few or no houses have been built, of the reasons for including such street in the application.

Adoption of Private Street Works Act, 1892.—Section 3 of the Private Street Works Act, 1892, enables an urban authority (*i.e.* the council of a borough or other urban district) to adopt the Act by a resolution passed at a meeting of which the notice required by the section must be given. The section further provides for the publication of the resolution and for the sending of a copy of the resolution to the Local Government Board.

It will be observed that, although a copy of the resolution passed by the authority is required to be sent to the Local Government Board, the consent of that Board is not necessary to the adoption. It would seem desirable that the copy of the resolution should be accompanied by the following documents in proof of compliance with the statutory requirements—

1. A copy of the special notice referred to in sub-s. (1) of the section, endorsed as to date and mode of service ;
2. A copy of the newspaper or newspapers containing the advertisement of the resolution in accordance with sub-s. (2) ; and
3. A copy of the notice of the resolution given under sub-s. (2), endorsed with a certificate that the notice was affixed to the principal doors of every church and chapel in the

district in the place to which notices are usually fixed and stating in what other way (if any) notice of the resolution was given.

In framing the resolution, care should be taken to comply with the requirement in the latter part of sub-s. (2) as to the date to be fixed for the operation of the resolution.

Borrowing powers.—The borrowing of money by an urban authority (outside the administrative county of London) under the general law for the execution of private street works is subject to the provisions of ss. 233 and 234 of the Public Health Act, 1875, which (*inter alia*) require the sanction of the Local Government Board to be obtained thereto.

The power to borrow monies for the purposes of the Act of 1892 is conferred by s. 18 of that Act which makes the borrowing powers of the Public Health Act, 1875, available to the authority for the purpose of temporarily providing for expenses of private street works.

The same powers of borrowing are, of course, exerciseable by a rural district council who have been invested by the Local Government Board with the powers of an urban authority under either of the Acts referred to with respect to private street works.

Periods for repayment of loans.—The period allowed by the Local Government Board for the repayment of loans sanctioned by them for works of private street improvement corresponds to that which the local authority allow the owners for repayment, but it does not generally exceed seven years.

Applications for sanction to loans.—1. UNDER THE PUBLIC HEALTH ACT, 1875.—An application by a local authority for the sanction of the Local Government Board to the borrowing of money under this Act for works of private street improvement should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (a) ;

(a) See also "RESOLUTIONS," p. 8.

- (2) Plans and sections of the proposed works (a) ;

NOTE.—The instructions on the face of the official form of estimate as to the scale, etc., of the plans should be observed.

- (3) A detailed estimate of the cost of the works (in Form K, No. 19) (b) ;
(4) Particulars (in Form K, No. 2 (c)) as to the assessable value and existing debt of the district.

The application should not be made until the time allowed by the notices served on the owners under s. 150 of the Act to do the works has in all cases expired ; and, if any works have been carried out by owners under the notices, particulars of these works should be furnished.

2. UNDER THE PRIVATE STREET WORKS ACT, 1892.—An application for sanction to a loan for the execution of private street works under this Act should be accompanied by—

- (1) A copy of a resolution of the authority directing it to be made (d) ;
(2) A copy of the resolution of the authority under s. 6 (1) of the Act ;
(3) A copy of the resolution, specification, plans, sections (a), and estimate, together with a summary of the provisional apportionments ;

NOTE.—A copy of the provisional apportionments need not be sent.

- (4) Information as to the dates upon which, in pursuance of s. 6 (3) of the Act, the resolution was first published and copies were served on the owners of the premises concerned ;
(5) A statement as to how any objections which have been made by any owner or owners under s. 7 of the Act have been dealt with ;
(6) Particulars of any amendment of the scheme which may have been made under s. 8 (1) or s. 11 of the Act ;

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4.

(c) See also "FORMS," p. 5.

(d) See also "RESOLUTIONS," p. 8.

- (7) Information as to when the Act was adopted by the authority. In the case of a rural district council, a reference should be given to the date of the Order of the Local Government Board putting the powers of the Act in force as regards the particular streets to which the application relates; and
- (8) Particulars (in Form K, No. 2 (a)) as to the assessable value and debt of the district.

Application of monies recovered under Private Street Works Act, 1892.—Section 21 (2) of the Private Street Works Act, 1892, provides that all moneys recovered by the urban authority under the Act in respect of street works shall be applied in repayment of moneys borrowed for the purpose of executing private street works, or if there is no such loan outstanding, then in such manner as may be directed by the Local Government Board.

An application to the Local Government Board under this enactment should be accompanied by—

- (1) A copy of a resolution of the authority directing it to be made and setting out their proposal with regard to the application of the monies, the amount of which should be specified;
- (2) Information as to the names of the streets in which the works have been carried out; and
- (3) A definite statement that there is no loan outstanding in respect of any works of private street improvement in the district.

It will be observed from the terms of the sub-section that it is only where there is not any loan outstanding in respect of private street works that a direction of the Local Government Board is required to the application of the monies; where there is an outstanding loan, the monies *must* be applied in repayment of such loan.

Appeals.—Section 268 of the Public Health Act, 1875, provides that where any person deems himself aggrieved by the

(a) See also "FORMS," p. 5.

decision of the local authority in any case in which the local authority are empowered to recover in a summary manner any expenses incurred by them, or to declare such expenses to be private improvement expenses, he may, within twenty-one days after notice of such decision, address a memorial to the Local Government Board, stating the grounds of his complaint, but he must deliver a copy thereof to the local authority; and the Local Government Board may make such order in the matter as to the said Board may seem equitable, and the order so made is to be binding and conclusive on all parties.

Under this section a person may appeal to the Local Government Board against the decision of a local authority in the matter of the cost of (among other works) private street works executed by the local authority.

It will be observed (a) that the memorial *must* be addressed to the Local Government Board within twenty-one days after the notice of the decision of the local authority, (b) that it *must* state the grounds of the memorialist's complaint, and (c) that the memorialist *must* deliver a copy of the memorial to the local authority. The memorial should, if possible, be on paper of foolscap size.

In forwarding the memorial it should be stated that a copy of the memorial has been delivered to the local authority as required by the statute; and, if this can readily be done, *all* the original notices (*e.g.* the notice to execute the works, the notice of apportionment of the expenses, and the demand for payment) served on the memorialist in the matter by the local authority endorsed, in each case, with the date of service on the appellant, should be forwarded at the same time; but the sending of these documents should not be permitted to delay the sending of the memorial to the Local Government Board within the statutory period, as they can be sent on afterwards if more convenient. If any of the notices have been mislaid or destroyed the appellant should apply to the local authority for a copy of them, and these should be endorsed, in each case, with the date of service on the appellant of the original notice before being sent to the Local Government Board.

A notice served on the owner by the local authority to execute the works or a notice of the apportionment of the expenses by the surveyor under s. 257 of the Act is not a notice of decision within the meaning of the section; but a demand for the payment of the cost of the works would apparently be such a notice of decision. On the question as to what constitutes a *notice of decision* under s. 268, reference may be made to the case of *Regina v. The Local Government Board* (L. R. 10 Q. B. D. 309; 52 L. J. M. C. 4; 48 L. J. (N.S.) 173; 31 W. R. 72; and 47 J. P. 228).

In the case of several persons appealing against the same decision of the local authority on the same grounds, it would not seem to be necessary that a separate memorial should be addressed to the Local Government Board by each person; but any such memorial should be signed by all the appellants.

A form of memorial for use in these cases is not supplied by the Board.

As regards the cost of works executed under the Private Street Works Act, 1892, the provisions of ss. 8 and 11 of that Act empower a court of summary jurisdiction to hear and determine objections, and to quash or amend the resolution of the local authority, and the plans, sections, estimates, and provisional apportionments or any of them.

PART LI.—PROVISIONAL ORDERS.*

APPLICATIONS BY LOCAL AUTHORITIES TO THE LOCAL GOVERNMENT BOARD FOR THE ISSUE OF PROVISIONAL ORDERS FOR VARIOUS PUR- POSES.

1. COMPULSORY PURCHASE OF LAND.

Statutory provisions.—Section 176 of the Public Health Act, 1875, enables a local authority (*i.e.* a town, urban district, or rural district council), after compliance with certain requirements as to advertisements and notices, to present a petition to the Local Government Board praying that the authority may be allowed, with reference to the lands specified in the petition, to put in force the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement.

The Board may, after being satisfied that the requirements of the section have been complied with, direct a local inquiry as to the propriety of assenting to the prayer of the petition, and may afterwards issue a Provisional Order empowering the local authority to put in force with reference to the lands referred to in the Order the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Board may think fit.

This section of the Act of 1875 is made applicable by s. 65 (2) of the Local Government Act, 1888, to the purchase of land by county councils; and, by virtue of the latter

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 130—138; vol. v. pp. 277—291. "Encyclopædia of Forms and Precedents," vol. viii. pp. 141—142; vol. x. pp. 481—497.

enactment as applied by s. 5 (2) of the London Government Act, 1899, to metropolitan borough councils.

In regard to the powers possessed by metropolitan borough councils in this respect, the Local Government Board state that they have been advised that Provisional Orders cannot be granted in respect of land required by a borough council for the purposes of the following Acts:—

- (i) Baths and Washhouses Acts.
- (ii) Burial Acts,
- (iii) Electric Lighting Acts,
- (iv) Open Spaces Acts, and
- (v) Public Libraries Acts,

and they suggest that, *in all other cases*, any borough council contemplating procedure with a view to the issue of a Provisional Order should in the first instance (so as to avoid waste of time and expense) examine carefully the question whether the case is one in which a Provisional Order can in fact be issued.

Purposes for which Provisional Orders have been made.—Provisional Orders have been issued by the Local Government Board under s. 176 of the Public Health Act, 1875, or in pursuance of that section as applied by s. 65 of the Local Government Act, 1888, and s. 5 (2) of the London Government Act, 1899, authorising the compulsory purchase of land by local authorities for the following purposes:—

County Councils—

County offices.
Police buildings.

Metropolitan Borough Councils—

Depôts.
Offices and buildings.
Refuse destructors.
Town hall.

Other Local Authorities—

Baths and washhouses.
Bridges.
Cemeteries.
Depôts.
Fire stations.
Hospitals.
Markets.
Mortuary.
Offices.
Pleasure grounds.
Refuse destructors.
Sewage disposal.
Slaughter-houses.
Steam road-roller house.
Street improvements and new streets.
Urinals.
Water supply.

How applications should be made.—Applications by county councils, town councils, urban district councils, and rural district councils, for Provisional Orders under s. 176 of the Public Health Act, 1875, putting in force the compulsory powers of the Lands Clauses Acts, with respect to the taking of lands, should be made in accordance with "Provisional Order Instructions A" of the Local Government Board, and applications by metropolitan borough councils in accordance with "Provisional Order Instructions E." These instructions are revised and issued annually by the Board, usually in the early part of September.

In making an application, it is very important that care should be taken to strictly comply with these instructions, as any failure to do so may lead to much delay in the consideration of the application, even if it is not sufficiently serious to cause the petition to be rejected.

Forms.—No forms are issued by the Local Government Board for the petition or other documents required to be

furnished in connection with applications for Provisional Orders of the kind referred to; and the following forms have accordingly been prepared for the assistance of local authorities, parliamentary agents, and other persons concerned (the documents should be of foolscap size) :

1. *Petition.*
2. *Book of Reference.*
3. *Statutory Declaration* by the clerk to the local authority in pursuance of No. 5 (b) of "Provisional Order Instructions A" of the Local Government Board.
4. *Advertisement.*
5. *Notice to Owners, Lessees, and Occupiers.*
6. *Reply to above Notice.*
7. *Statement as to Replies of Owners, Lessees, and Occupiers.*
8. *Statutory Declaration* by person serving notices upon owners, lessees, and occupiers.
9. *Statement* as to houses occupied by persons of the working class.
10. *Affidavits—*
 - (1) In proof of compliance with Standing Orders 38 of Houses of Parliament.
 - (a) Where it is not proposed to take houses occupied, wholly or partially, by thirty or more persons of the working class, as tenants or lodgers.
 - (b) Where the taking of the land will involve the acquisition of houses occupied by thirty or more persons of the working class.
 - (2) In proof of compliance with Standing Orders 39 of both Houses of Parliament.
11. *Statutory Declaration* proving service of copies of Provisional Order on owners, lessees, and occupiers.

1. FORM OF PETITION.

The Public Health Act, 1875.
(38 & 39 Vict. c. 85, s. 176.)

To the Local Government Board.

Petition of the (a) _____

Sheweth :

1. That your Petitioners are desirous of putting in force with regard to the lands described in the Book of Reference hereinafter referred to the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.
2. That the following is an exact copy of the said Book of Reference amended, where necessary, so as to show by alterations in manuscript any changes or corrections ascertained between the preparation of the Reference and the sealing of this Petition.

[Here insert copy of Book of Reference amended as aforesaid.]

3. That the said lands are required for the purpose of (b)

(a) Insert title of the authority, *e.g.* mayor, aldermen, and burgesses of the borough of _____, acting by the council, or urban district council of _____, or rural district council of _____.

(b) Describe the purpose shortly, *e.g.* widening, opening, enlarging, or otherwise improving the street called _____ Street, and the making of a new street between _____ Street and _____ Street in the said borough; or the construction thereon of works and buildings for or in connection with the disposal of the sewage of the contributory place of _____, and the provision of access thereto; or erecting thereon a hospital for infectious diseases for the said district.

4. That the street to be widened is a highway repairable by the inhabitants at large (a).
5. That your Petitioners have complied with the statutory requirements in regard to advertisements and notices (b).
6. That the names of the owners, lessees, and occupiers of the said lands who have assented, dissented, or are neuter in respect of the taking of such lands, or who have returned no answer to the notice served upon them are as follows :

Names.	Number of Property on Deposited Plan.	Nature of Reply (if any) (c).
I. OWNERS OR REPUTED OWNERS.		
II. LESSEES OR REPUTED LESSEES.		
III. OCCUPIERS.		

Your Petitioners therefore pray that they may with reference to the lands hereinbefore referred to be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

The Seal of the

was hereunto

affixed this

day of

, 19 .

L. S.

(a) This paragraph should, of course, only be included where the proposal relates to the widening of a street.

(b) A statutory declaration by the clerk of the local authority in proof of compliance with these requirements has to be furnished, see *post*, p. 694.

(c) Insert assent, dissent, neuter, or no answer (as the case may be).

2. FORM OF BOOK OF REFERENCE (a).

The Public Health Act, 1875.
(38 & 39 Vict. c. 55, s. 176.)

(Name of Local Authority.)

Application to the Local Government Board for a Provisional
Order to empower the above-mentioned authority to put
in force the compulsory powers of the Lands Clauses
Acts with respect to the purchase and taking of lands
for (b) _____

Book of Reference.

Session 19 .

Parish of (c) , in the (d) of (e) .

Number on Deposited Plan.	Description of Property.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.

(a) It will be found generally convenient to have this document printed, as much time and trouble will be thereby saved in the making and examination of copies.

(b) State the purpose briefly.

(c) Insert the name of the civil parish in which the lands are situate.

(d) Insert city, borough, urban district, or rural district (as the case may be).

(e) Insert the name of the city, borough, or district.

3. FORM OF STATUTORY DECLARATION (a).

The Public Health Act, 1875.

(38 & 39 Vict. c. 55, s. 176.)

Statutory Declaration by the Clerk to the Local Authority
in pursuance of No. 5 (b) of "Provisional Order Instruc-
tions A" of the Local Government Board.

I (b) _____

do solemnly and sincerely declare as follows :

1. An advertisement giving notice of the intention of
the (c) _____
-

to petition the Local Government Board for a Pro-
visional Order empowering the said authority to put
in force, with reference to certain lands therein
referred to, the powers of the Lands Clauses Acts with
respect to the purchase and taking of lands otherwise
than by agreement was published in each of three
consecutive weeks in the month of _____, 19____, in
the (d) _____, being a local newspaper
circulating within the said _____.

2. The said advertisement described shortly the nature of
the undertaking in respect of which the lands are
proposed to be taken, named a place where a plan
of the proposed undertaking might be seen at all

(a) Every statutory declaration and affidavit must be made or sworn before
a justice of the peace or a commissioner for oaths, and must be stamped
with a half-crown *impressed* stamp; and each exhibit to a statutory declara-
tion or affidavit must be marked by the declarant or deponent, and by the
justice of the peace or commissioner for oaths, as the case may be, in the
usual way.

(b) Insert name and description of declarant, *e.g.* John Jones, town clerk of
the borough of _____.

(c) Insert name of local authority.

(d) Insert title of newspaper.

reasonable hours, and stated the quantity of lands required.

3. Copies of the newspapers containing the said advertisement are hereunto annexed, and are marked respectively "A," "B," and "C."
4. A plan and sections (a) of the proposed undertaking and a book of reference, prepared in accordance with the instructions of the Local Government Board, were deposited at the (b) _____

on the _____ day of _____, 19____, and the said plan, sections (a), and book of reference have remained open to inspection between the hours of _____ a.m. and _____ p.m. from the date of the deposit thereof until the time when the said deposited plan and sections (a) were sent to the Local Government Board.

5. In the month of _____, a notice was served upon every owner or reputed owner, lessee or reputed lessee, and occupier defining in each case the particular lands intended to be taken and requiring an answer stating whether the person so served assented, dissented, or was neuter in respect of the taking of such lands. A copy of the form of notice is hereunto annexed and marked "D."
6. The statement hereunto annexed marked "E" shows, with reference to the numbers on the deposited plan, the several parcels of land in respect of which notice was served upon each owner, lessee, and occupier, and what reply (if any) has been received from the owner, lessee, and occupier in respect of each parcel of land.

And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act, 1835.

(a) The reference to "sections" should, of course, be struck out if there are no sections.

(b) Describe the place of deposit, *e.g.* Borough Engineer's Office at the Town Hall, New Street.

Declared at
 in the county of
 this day of
 19 .
 Before me (a)

, } (Signature of Declarant.)
 , }
 , }

A Justice of the Peace
 or
 A Commissioner of Oaths.

4. FORM OF ADVERTISEMENT.

The Public Health Act, 1875.
 (38 & 39 Vict. c. 55, s. 175.)

(Name of district (b).)

1. Notice is hereby given that the (c) _____

intend to petition the Local Government Board for a Provisional Order empowering them to put in force with reference to certain lands situated in the parish of (d)

in the (e) the powers of the
 Land Clauses Acts with respect to the purchase and taking of
 lands otherwise than by agreement.

2. The following is a short description of the nature of the

(a) This declaration should not be made before a partner of the clerk.

(b) In the case of a rural district, if the application has reference to a particular contributory place (or places), the name of such place (or places) should also be stated.

(c) Insert name of local authority.

(d) The name of the civil parish should be given.

(e) Said borough, urban district, or rural district. If, however, the lands are situated in another district, the name of such district should be inserted.

undertaking in respect of which the said lands are proposed to be taken, namely (a) _____

3. The said lands contain by admeasurement _____ square yards or thereabouts.

4. And notice is hereby further given that a plan of the said proposed undertaking and a book of reference thereto are deposited at the (b) _____

where they may be seen between the hours of _____ a.m. and _____ p.m.

Dated this _____ day of _____, 19 ____.

(Signature of Clerk to Local Authority.)

5. FORM OF NOTICE TO OWNERS, LESSEES, AND OCCUPIERS.

The Public Health Act, 1875.
(38 & 39 Vict. c. 55, s. 176.)

To _____

SIR OR MADAM,

Take notice that the (c) _____

intend to petition the Local Government Board for a Provisional Order empowering them, with reference to certain lands (including those described in the schedule hereto, in which you are believed to be interested as therein stated),

(a) *E.g.* the widening, opening, enlarging, or otherwise improving the street called _____ Street, and the making of a new street between _____ Street and _____ Street in the said borough; or the erection thereon of a hospital for infectious diseases for the said district; or the construction of works and buildings for or in connection with the disposal of the sewage of the contributory place of _____, and the provision of access thereto.

(b) Describe the place of deposit, *e.g.* Borough Engineer's Office at the Town Hall, New Street. The deposit should be made at such time as to enable the deposited plan (and sections, if any) to be seen at all reasonable hours at the prescribed place as soon as the first advertisement appears.

(c) Insert name of local authority.

to put in force the powers of the Land Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

The said lands are required for (a) _____

A plan of the proposed undertaking and a book of reference thereto are deposited at the (b) _____

where they may be seen between the hours of _____ a.m.
and _____ p.m.

You are therefore hereby required to return to me on or before the _____ day of _____ next an answer in writing stating whether you assent, dissent, or are neuter in respect of the taking of the lands described in the said schedule. A form for this purpose is enclosed.

If there is any error or misdescription in the said schedule I shall feel obliged if you will inform me thereof at once in order that the necessary correction may be made.

SCHEDULE.

Parish of _____ .

Name of Street, etc.	Description of Lands.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.

(Signature of Clerk to Local Authority.)

Dated _____ day of _____, 19 ____ .

(a) Describe shortly the purpose.

(b) Describe the place of deposit, *e.g.* Borough Engineer's Office at the Town Hall, New Street.

6. FORM OF REPLY TO NOTICE SERVED ON OWNERS, LESSEES
AND OCCUPIERS.

(Inclosure to Form 5.)

The Public Health Act, 1875.
(38 & 39 Vict. c. 55, s. 176.)

(Address and Date) _____

_____ 19 .

SIR,

I beg to acknowledge the receipt on the
of your notice with reference to the intended application of
the (a) _____ to the Local Govern-
ment Board for a Provisional Order empowering them to put
in force the powers of the Lands Clauses Acts with respect to
the purchase and taking of lands otherwise than by agreement
and, in reply, have to state that I (b)
in respect of the taking of the lands described in the schedule
to the said notice.

My interest in the land is correctly described in the notice.

I am, Sir,

Yours truly,

(Signature.)

To the

Town Clerk, or Clerk to the Urban or Rural
District Council of

(as the case may be).

(a) Insert name of local authority.

(b) Insert assent, dissent, or am neuter (as the case may be).

7. FORMS OF STATEMENT AS TO REPLIES OF OWNERS, LESSEES,
AND OCCUPIERS.

(To be annexed as exhibit E to Statutory Declaration of
clerk to local authority (a).)

The Public Health Act, 1875.

(38 & 39 Vict. c. 55, s. 176.)

Statement showing, with reference to the numbers on the deposited plan, the several parcels of land in respect of which notice was served upon each owner, lessee, and occupier, and what reply, if any, has been received from the owner, lessee, and occupier in respect of each parcel of land.

Number on Deposited Plan.	Owners or Reputed Owners.	Reply.*	Lessees or Reputed Lessees.	Reply.*	Occupiers.	Reply.*

* Insert assent, dissent, neuter, or no answer (as the case may be).

8. FORM OF STATUTORY DECLARATION AS TO SERVICE OF
NOTICES (a).

The Public Health Act, 1875.

(38 & 39 Vict. c. 55, ss. 176, 267.)

Statutory Declaration by person serving notices upon
Owners, Lessees, and Occupiers.

(a) See footnote on p. 694 as to the making and stamping of statutory declarations and the marking of exhibits thereto.

I (a) _____

do solemnly and sincerely declare as follows:—

1. In the month of _____, 19____, I served notice upon the persons named in the lists hereunto annexed marked "A," "B," "C," and "D," in respect of the intended application of the (b) _____ to the

Local Government Board for a Provisional Order empowering the said authority to put in force with reference to certain lands required for (c) _____

the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

2. I effected service upon each of the persons named in the said list marked "A" by a prepaid letter properly addressed and put into the post (d).
3. I effected service upon each of the persons named in the said list marked "B" by delivering the notice to or at the residence of each such person (d).
4. I effected service as regards each of the persons named in the said list marked "C" by delivering the notice or a true copy thereof to some person on the premises (d).
5. I effected service as regards each of the persons named in the said list marked "D" by fixing the notice on some conspicuous part of the premises, there being no person on the premises who could be served (d).

And I make this solemn Declaration conscientiously believing the same to be true; and by virtue of the provisions of the Statutory Declarations Act, 1835.

(a) Insert name and description of declarant, e.g. John Jones, clerk to James Wilkins, town clerk of the borough of _____.

(b) Insert name of local authority.

(c) Describe shortly the purpose.

(d) Only such of these paragraphs as are applicable to the particular case should be included.

Declared at
in the county of
this day of
19 .

, }
, } (Signature of Declarant.)
, }

Before me

A Justice of the Peace
or
A Commissioner of Oaths.

This is the list marked " ," referred to in the Declaration
of , made this
day of , 19 .

Before me

A Justice of the Peace
or
A Commissioner of Oaths.

OWNERS OR REPUTED OWNERS.

Name.	Number of Property on Deposited Plan.

LESSEES OR REPUTED LESSEES.

Name.	Number of Property on Deposited Plan.

OCCUPIERS.

Name.	Number of Property on Deposited Plan.

9. FORM OF STATEMENT AS TO HOUSES OCCUPIED BY PERSONS
OF THE WORKING CLASS.

In Parliament.

Session 19 .

(Name of Local Authority.)

In the matter of an application by the above-named
Authority to the Local Government Board for a Pro-
visional Order under the (a) _____

for (b) _____

Statement, in pursuance of Standing Order 38 (House of
Lords) and Standing Order 38 (House of Commons) as
to houses occupied either wholly, or partially, by thirty
or more persons belonging to the working class as
tenants or lodgers (c).

(a) Insert title of statute under which the application is made.

(b) State shortly the purpose.

(c) This statement must be accompanied by a copy [of so much of the
deposited plans as relates thereto. The houses to which the statement refers
should be shown by distinctive colour.

Parish in which House is Situatē.	Description of House.	Postal Address of House.	Number of House on Deposited Plan.	Number (so far as can be ascertained) of Persons of the Working Class resid- ing in each House

Total number of houses to be taken

Total number of persons of the working class
residing therein

10. FORMS OF AFFIDAVIT (a).

FORM I.

AFFIDAVITS IN PROOF OF COMPLIANCE WITH STANDING ORDER 38 (HOUSE OF LORDS) AND STANDING ORDER 38 (HOUSE OF COMMONS).

NOTE.—This Form should be used in cases where the taking of the lands will *not* involve the acquisition of houses occupied either wholly, or partially, by thirty or more persons of the working class. The affidavit should be made by the clerk or some other responsible officer of the local authority.

In Parliament.

Session 19 .



(Name of Local Authority.)

(a) See footnote on p. 694 as to the swearing and stamping of affidavits.

In the matter of an application by the above-named Authority
to the Local Government Board for a Provisional Order
under the (a) _____

for (b) _____

I (c) _____

make oath and say as follows :

1. It is not intended in connection with the proposed undertaking to take compulsorily or by agreement houses occupied, either wholly or partially, by thirty or more persons of the working class (as defined by the Standing Orders of Parliament) as tenants or lodgers.

Sworn at	,	} (Signature.)
in the county of	,	
this day of	,	
19 .	,	

Before me

A Justice of the Peace

or

A Commissioner of Oaths.

(a) Insert title of statute under which the application is made.

(b) State shortly the purpose.

(c) Insert name and description of person making the affidavit, e.g. John Jones, town clerk of the borough of _____.

FORM II.

NOTE.—This Form should be used in cases where houses occupied by thirty or more persons of the working class are to be taken.

[Headings same as in Form I.]

I (a) _____

make oath and say as follows :

On the (b) _____ day of _____, 19____, I deposited in the office of the Clerk of the Parliaments, the Private Bill Office, and the office of the Local Government Board respectively, a statement giving the description and postal address of each of the houses intended to be taken, occupied either wholly, or partially, by persons of the working class (as defined by the Standing Orders of Parliament) as tenants or lodgers, its number on the deposited plans, the parish in which it is situate, and the number (so far as can be ascertained) of persons of the working class residing in it, and also a copy of so much of the deposited plan of the proposed undertaking as relates thereto.

Sworn at	,	} (Signature.)
in the county of	,	
this _____ day of	,	
19 ____	,	

Before me

A Justice of the Peace

or

A Commissioner of Oaths.

(a) Insert name and description of person making the affidavit, *e.g.* John Jones, of 11, King Street, Westminster, in the county of London, clerk to Messieurs Brown & Robinson, Parliamentary Agents.

(b) The Standing Orders at present in force require that the deposit shall be made on or before 21st December.

FORM III.

AFFIDAVIT IN PROOF OF COMPLIANCE WITH
STANDING ORDER 39 (HOUSE OF LORDS) AND
STANDING ORDER 39 (HOUSE OF COMMONS):

NOTE.—This Form may be combined with Form II. if the deposits in each case were made by the same person. The requirements in Standing Orders 39 as to the deposit of plans, etc., at the Houses of Parliament on or before the 30th November apply to cases in which the deposit at the Local Government Board was made after the prorogation of Parliament and before that date. In other cases the deposits at the Houses of Parliament should presumably be made at or about the same time as the deposit at the Local Government Board.

[Headings same as in Form I.]

I (a) _____

make oath and say as follows :

1. On the _____ day of _____, 19____, I deposited
at the office of the Local Government Board plans,
sections, and a book of reference in connection with
the above-mentioned application.
2. And on the _____ day of _____, 19____, I deposited
in the office of the Clerk of the Parliaments and in the
Private Bill Office respectively, duplicates of the said
plans, sections, and book of reference.

Sworn at
etc., etc.

(a) Insert name and description of person making the affidavit, e.g. John Jones, of 11, King Street, Westminster, in the county of London, clerk to Messieurs Brown & Robinson, Parliamentary Agents.

11. FORM OF STATUTORY DECLARATION AS TO SERVICE OF
COPIES OF PROVISIONAL ORDER (a).

The Public Health Act, 1875.
(38 & 39 Vict. c. 55, s. 176 (5).)

Statutory Declaration proving service of copies of Pro-
visional Order on Owners, Lessees, and Occupiers.

NOTE.—Exhibits should be properly marked by the
Declarant and the Justice of the Peace or Com-
missioner of Oaths who takes the Declaration.

Local Government Board.

Session 19 .

In the matter of the (b) _____

_____ Order, 19 .

I (c) _____

do solemnly and sincerely declare as follows :—

1. On the _____ day of _____, 19____, I served a
copy of the above-mentioned Order upon each of the
owners, lessees, and occupiers of the lands included in
the schedule to such Order by forwarding the same by
a prepaid letter properly addressed and put into the
post (d).

(a) See the footnote on p. 694 as to the making and stamping of statutory
declarations.

(b) Insert title of Order.

(c) Insert name and description of declarant, e.g. John Jones, clerk to
James Wilkins, town clerk of the borough of _____.

(d) Where service was effected in some other way or ways authorised by
s. 267 of the Act, Form No. 8 will serve as a guide in the preparation of the
declaration.

2. A copy of the said Order is hereunto annexed and marked "A."

And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at	,	} (Signature of Declarant.)
in the county of	,	
this day of	,	
19 .	,	

Before me

A Justice of the Peace

or

A Commissioner of Oaths.

Points to be noted.—In connection with applications by local authorities to the Local Government Board under s. 176 of the Public Health Act, 1875, for Provisional Orders authorising the compulsory purchase of lands, the following points should be noted :

1. *Where the only difference is as to the Price to be paid.*—If the parties agree to submit the question of price to arbitration in the manner provided by the Lands Clauses Acts, there would seem to be no necessity for the issue of a Provisional Order.
2. *Alternative Sites.*—Before applying for a Provisional Order the local authority should definitely decide upon a site, as the Local Government Board do not issue Provisional Orders in respect of alternative sites.
3. *Where Owners, etc., do not dissent.*—In the case of any land in respect of which dissent has not actually been expressed, the local authority should satisfy themselves that the land cannot be acquired by agreement.

4. *Railway Property*.—The local authority should, as regards any lands belonging to a railway company, enter into negotiations with the company with a view to the acquisition of the lands by agreement.

2. REPEAL, ETC., OF LOCAL ACTS AND CONFIRMING ACTS.

Statutory provisions.—Sections 297 (5) and 303 of the Public Health Act, 1875, enable the Local Government Board to issue a Provisional Order for repealing, altering, or amending any Acts confirming a Provisional Order made in pursuance of any of the Sanitary Acts or of the Act of 1875, and any Order in Council made in pursuance of any of the Sanitary Acts, and any local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of the district of a local authority, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as the Act of 1875.

How application should be made.—Applications to the Local Government Board for Provisional Orders under the above-cited enactments should be made in strict accordance with “Provisional Order Instructions B.,” issued annually by the Board.

3. FORMATION, ETC., OF UNITED DISTRICTS FOR SANITARY PURPOSES.

Statutory provisions.—Section 279 of the Public Health Act, 1875, enables the Local Government Board, on the application of the local authorities of any urban or rural districts, or of any of such authorities, by Provisional Order to form such districts, or any of them, or any parts thereof, or any contributory places in any rural district or districts, into a united district for all or any of the purposes following; (that is to say,)

- (1) The procuring a common supply of water; or

- (2) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places ; or
- (3) For any other purposes of this Act.

Section 280 provides for the governing body of the united district, and s. 281 make detailed provisions as to the contents of the Order forming the district.

How application should be made.—Applications to the Local Government Board for Provisional Orders under s. 279 of the Act should be made in the manner indicated on p. 4 of "Provisional Order Instructions A," issued by the Board.

Purposes for which united districts have been formed.—Many Provisional Orders have been made by the Local Government Board under the section referred to constituting united districts for various purposes, among which may be mentioned (i) the provision, maintenance, and management of hospitals, (ii) the making of a main sewer or the carrying into effect of a system of sewerage, and (iii) the procuring of a common supply of water.

The most recent instance up to the end of the session of 1907 in which an united district for sewerage purposes has been constituted by the Local Government Board is that of the Burley-in-Wharfedale and Menston Joint Sewerage District which occurred in 1902. The Provisional Order forming this district was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act, 1902 (2 Edw. 7, c. lxxxvi).

With respect to the formation of united districts for hospital purposes, see pp. 388, 389.

Copies of confirming Acts may be purchased through any bookseller or direct from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

Alteration and dissolution of united districts.—Applications to the Board under s. 297 (5) of the Public Health Act, 1875, for Provisional Orders altering or dissolving united

districts so formed should be accompanied by a copy of a resolution of the authority directing the application to be made, and setting out the proposal together with a statement of the grounds on which the application is based.

4. EXTENSION OF BORROWING POWERS OF COUNTY COUNCIL.

How application should be made.—An application to the Local Government Board by a county council under s. 69 (2) of the Local Government Act, 1888 (*a*), for a Provisional Order extending their borrowing power should be accompanied by:—

- (1) A copy of a resolution of the county council directing the application to be made;
- (2) A statutory declaration (duly stamped) specifying the annual rateable value at the date of the application of the rateable property in the county as ascertained according to the standard or basis for the county rate and the total debt of the county council at such date, after deducting the amount of any sinking fund; and
- (3) An estimate in tabular form showing how and to what extent it is anticipated that the limit fixed by the sub-section referred to will be exceeded within the next few years.

No date has, up to the present time, been prescribed by the Local Government Board as the latest on which they will receive applications of this kind, but it is important that the application should be made as long before the close of the year as possible, if it is desired that a Provisional Order should be issued in time for confirmation during the ensuing session of Parliament:

Provisional Orders issued.—Twenty-two Provisional Orders for this purpose had been issued by the Local Government Board and confirmed by Parliament up to the end of the session of 1907 as follows:—

(*a*) The provisions of this enactment are set out, *ante*, p. 124.

Name of County Council.	Extension of Borrowing Power authorised.	Title, etc., of Confirming Act.
	£	The Local Government Board's Provisional Orders Confirmation—
Anglesey . . .	35,862 *	(No. 2) Act, 1905 (5 Edw. 7, c. lxix.).
Brecon . . .	60,000 †	(No. 7) „ 1898 (61 & 62 Vict. c. lxxx.).
Cornwall . . .	200,000 *	(No. 7) „ 1902 (2 Edw. 7, c. cci.).
Dorset . . .	155,000 *	„ „ 1896 „ (59 & 60 Vict. c. cix.).
Hertford . . .	100,000 †	(No. 17) „ 1896 „ (59 & 60 Vict. c. cix.).
Kesteven, Parts of	120,000 †	(No. 9) „ 1900 (63 & 64 Vict. c. clxxviii.).
Leicester . . .	300,000 *	(No. 7) „ 1903 (3 Edw. 7, c. lxiii.).
Middlesex . . .	500,000 †	(No. 7) „ 1899 (62 & 63 Vict. c. cxi.).
„ . . .	750,000 †	(No. 2) „ 1905 (5 Edw. 7, c. lxxx.).
Monmouth . . .	50,000 †	(No. 7) „ 1898 (61 & 62 Vict. c. lxxx.).
Oxford . . .	110,545 *	(No. 3) „ 1903 (3 Edw. 7, c. lx.).
Radnor . . .	20,000 †	(No. 7) „ 1898 (61 & 62 Vict. c. lxxx.).
Rutland . . .	35,000 *	(No. 6) „ 1904 (4 Edw. 7, c. cxvii.).
Stafford . . .	476,652 *	(No. 2) „ 1905 (5 Edw. 7, c. lxix.).
Suffolk, West . . .	64,571 *	(No. 6) „ 1907 (7 Edw. 7, c. clvi.).
Surrey . . .	320,000 *	(No. 6) „ 1904 (4 Edw. 7, c. cxvii.).
Sussex, East— . . .	350,000 *	(No. 7) „ 1899 (62 & 63 Vict. c. cxi.).
„ West— . . .	200,000 *	(No. 12) „ 1894 (57 & 58 Vict. c. cxxiv.).
„ . . .	250,000 *	(No. 6) „ 1901 (1 Edw. 7, c. cxlviii.).
Wight, Isle of— . . .	60,000 *	(No. 12) „ 1894 (57 & 58 Vict. c. cxxiv.).
Worcester . . .	483,667 *	(No. 3) „ 1903 (3 Edw. 7, c. lx.).
Yorkshire, West Riding of—	1,360,849 *	(No. 7) „ 1902 (2 Edw. 7, c. cci.).

* In these cases the county council were authorised, subject to and in accordance with the provisions of the Local Government Act, 1888, to borrow such sums as will not, *together with* the sums which they may be authorised to borrow under the Act without a Provisional Order, and the outstanding balance of debt, after deducting the amount of any sinking fund, exceed the sums specified, that is to say, the total borrowing power of the county council under the Act was raised to the amount mentioned.

† In these cases the county council were authorised, subject to and in accordance with the provisions of the Local Government Act, 1888, to borrow such sums as will not together exceed by more than the amount specified the sum which they may be authorised to borrow under the Act without a Provisional Order.

5. TRANSFER TO COUNTY COUNCILS OF POWERS, ETC., OF COMMISSIONERS OF SEWERS, CONSERVATORS, OR OTHER PUBLIC BODIES.

Statutory provision.—Under s. 10 of the Local Government Act, 1888, the Local Government Board are empowered to make from time to time a Provisional Order for transferring to county councils any such powers, duties, and liabilities arising within the county of any commissioners of sewers, conservators, or other public body corporate or unincorporate (not being the corporation of a municipal borough or an urban

or rural authority, or a school board, and not being a board of guardians) as are conferred by or in pursuance of any statute; and by the said section it is provided that, before any such Order is made, the draft thereof shall be approved, if it affects the powers, duties, or liabilities of any commissioners, conservators, or body corporate or unincorporate, by such commissioners, conservators, or body, and that if any such powers, duties, or liabilities as are referred to in any Provisional Order under the said section arise within two or more counties they may be transferred to the county councils of such two or more counties jointly, and may be exercised and discharged by a joint committee of such councils.

How application should be made.—An application by a county council to the Local Government Board for a Provisional Order for such a purpose should be accompanied by—

- (1) A copy of a resolution of the council directing it to be made;
- (2) A copy of an agreement between the county council and the commissioners or other body concerned providing for the transfer in the event of the Provisional Order being issued, and referring, as far as possible, to the special points which it is desired should be dealt with by the Provisional Order; and
- (3) A copy of the Local Act relating to the matter.

No date has, as yet, been fixed by the Local Government Board as the latest on which they will receive applications under the provisions referred to; but any such application should be made as long before the close of the year as possible, if it is desired that a Provisional Order should be issued in time for confirmation during the ensuing session of Parliament.

Provisional Orders issued.—Only four Provisional Orders of this kind had up to the end of the session of 1907 been issued by the Local Government Board and confirmed by Parliament; and particulars of these are given below:

County.	Title of Provisional Order.	Title, etc., of Confirming Act.
Buckingham	County of Buckingham (Tickford and North Bridges) Order, 1897.	The Local Government Board's Provisional Orders Confirmation—(No. 8) Act, 1897 (60 & 61 Vict. c. lxxiii.).
Derby and Stafford.	Walton-upon-Trent Bridge Order, 1900.	(No. 14) „ 1900 (63 & 64 Vict. c. clxxxiii.).
Dorset.	County of Dorset (Portland Ferry Bridge) Order, 1894.	(No. 17) „ 1894 (57 & 58 Vict. c. cxxx.).
Stafford	Rochester Bridge Order, 1897.	(No. 8) „ 1897 (60 & 61 Vict. c. lxxiii.).

6. COSTS OF PROVISIONAL ORDERS.

Application to Local Government Board to sanction reasonable costs.—Section 298 of the Public Health Act, 1875, enacts that:

“The reasonable costs of any local authority in respect of
“provisional orders made in pursuance of this Act, and of the
“inquiry preliminary thereto, as sanctioned by the Local
“Government Board, whether in promoting or opposing the
“same, shall be deemed to be expenses properly incurred for
“purposes of this Act by the local authority interested in or
“affected by such provisional orders, and such costs shall be
“paid accordingly; and if thought expedient by the Local
“Government Board, the local authority may contract a loan
“for the purpose of defraying such costs.”

And this section is made applicable to Provisional Orders under the Local Government Act, 1888, by s. 87 (2) of that Act.

It is held that the section applies even where the application did not result in the issue of a Provisional Order.

An application to the Local Government Board to sanction under these enactments the reasonable costs of a local authority in promoting or opposing a Provisional Order should be accompanied by—

- (1) A copy of a resolution of the local authority directing the application to be made; and

- (2) Taxed bills of the costs, together with the certificate of the parliamentary taxing officer, and vouchers as regards any disbursements ;

NOTE.—It is the practice of the Local Government Board to require that such costs shall be taxed by the taxing officer of one of the Houses of Parliament. It will not, therefore, be necessary to submit such costs for taxation by the clerk of the peace. The bills, etc., are returned to the local authority when the sanction of the Board is given.

- (3) A statement showing how the total amount is made up. This should set out the amount of each bill and the name of the firm, etc., whose bill it is.

If a loan is required to defray the costs, the resolution should apply also for sanction to borrow the money, and particulars as to assessable value and debt should be supplied in the appropriate official form, that is to say, Form K, No. 2, if the application is made under the Public Health Act, 1875, or Form K, No. 15, if it is made under the Local Government Act, 1888.

Incidence of costs in rural districts.—Any costs incurred by a rural district council in promoting or opposing a Provisional Order would be chargeable as general expenses upon the entire rural district in the absence of an Order of the Local Government Board declaring them to be chargeable as special expenses upon any particular contributory place or places.

Costs of Local Government Board.—It would appear that, so far as the Local Government Board are concerned, their charges in respect of the obtaining of a Provisional Order are limited to the personal and travelling expenses of the inspector appointed to hold the local inquiry where the application is made under the Public Health Act, 1875. If, however, the application has reference to a Provisional Order under the Local Government Act, 1888, a charge is also made in respect of the salary of the inspector for the time occupied by him in travelling to the locality, holding the inquiry, and reporting

thereon, not exceeding three guineas a day. In this connection, see s. 87 (5) of the Act of 1888. The local authority would, of course, have to bear the expense of the advertisements necessary to comply with the provisions of s. 297 of the Public Health Act, 1875. No parliamentary fees would be payable by the authority in respect of any unopposed Provisional Order, but, if the Order were opposed, it would devolve upon them to take the necessary steps to support the Order.

PART LII.—PUBLIC HEALTH ACTS AMENDMENT ACTS, 1890 AND 1907.*

1. PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

(53 & 54 Vict. c. 59.)

Adoption of Act.—Section 3 of this Act makes provision with regard to the adoption of the parts of this Act, which are adoptive, by local authorities.

Under these provisions an urban authority may adopt all or any of such parts, and a rural authority may adopt Part III. so far as it is declared by the Act to be applicable to such authority, without prejudice to the provisions of the Act relating to the investing of rural authorities with urban powers.

The section further provides that the adoption shall be by a resolution passed at a meeting of the authority held after the special notice required by the section has been given, that the resolution shall be published in the prescribed manner, and that a copy of the resolution shall be sent—

“(a) Where any part of the Act is adopted, to the Local Government Board ;

“(b) Where Part Two is adopted, to the Board of Trade ;

“(c) Where Part Four is adopted, to a Secretary of State.”

The consent of the Local Government Board is not necessary to the adoption, but it is desirable that the copy of the resolution sent to the Board should be accompanied by the following documents in proof of compliance with the statutory requirements—

(i) A copy of the special notice referred to in sub-s. (3) of the section, endorsed as to date and mode of service ;

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. pp. 42—53 *et seq.* ; vol. iii. pp. 220—228, vol. vi. p. 388. "Encyclopædia of Forms and Precedents," vol. viii. p. 185 ; vol. x. pp. 226—601 ; vol. xi. pp. 3—11. Mackenzie and Handford's "Model Byelaws."

- (ii) A copy of the newspaper or newspapers containing the advertisement of the resolution in accordance with sub-s. (4) ; and
- (iii) A copy of the notice of the resolution given under sub-s. (4), endorsed with a certificate that the notice was affixed to the principal doors of every church and chapel in the district in the place to which notices are usually fixed, and stating in what other way (if any) notice of the resolution was given.

In framing the resolution care should be taken to comply with the requirement in the latter part of sub-s. (4) as to the date to be fixed for the operation of the resolution.

Whilst an urban authority (that is to say, a town council or urban district council) may adopt all or any of the parts of the Act, the adoption by a rural district council is limited to so much of Part III. as is applicable to rural authorities (s. 50). The provisions so applicable are :

Section 16, relating to injurious matter being passed into sewers.

Section 17, relating to the turning of chemical refuse, steam, etc., into sewers.

Section 18, relating to local authorities making communication with drains, etc.

Section 19, relating to the extension of s. 41 of the Public Health Act, 1875.

Section 21, relating to sanitary conveniences used in common.

So much of s. 23, relating to the extension of s. 157 of the Public Health Act, 1875, as applies to rural authorities.

Section 25, relating to the penalty for erecting buildings on ground filled up with offensive matter.

Sub-section (2) of s. 26, relating to the power to make bye-laws for certain sanitary purposes.

Section 28, relating to the extensions of ss. 116 to 119 inclusive of the Public Health Act, 1875.

Section 32, relating to the extension of s. 84 of the Public Health Act, 1875.

Section 33, relating to the use of buildings described in deposited plans otherwise than dwelling-houses.

Section 47, relating to the restriction on throwing cinders, etc., into streams.

Section 48, relating to the extension of s. 306 of the Public Health Act, 1875.

Section 49, relating to the powers of the Local Government Board to determine expenses of rural authorities to be special expenses.

According to the last issued Annual Report of the Local Government Board, the Board had, up to December 31st, 1906, received copies of resolutions from 965 urban authorities adopting the whole or particular parts of the Act, and from 368 rural authorities adopting so much of Part III. as is applicable to rural districts.

Applications for orders putting Act in force in rural districts.—In addition to the power of adoption possessed by rural district councils as regards certain provisions of the Act, it is competent to the Local Government Board under s. 5 to declare any of the provisions contained in any part of the Act which are not in force in any rural district to be in force in that district or any part thereof.

The annual reports of the Board show that the under-mentioned provisions of the Act have been put in force in rural districts by orders made in pursuance of s. 5 of the Act :

Sections 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 43, 46, 47, 49, 51.

In connection with an application by a rural district council for orders putting in force in their district or any contributory place therein provisions of this statute, the general instructions in Part LXVI., "Urban Powers," as to how applications should be made by such councils to be invested with the powers of urban authorities should be observed, and the following remarks as to applications for the powers of ss. 22 and 51 noted :

SECTION 22.—It should be stated in what respects it is considered that the powers vested in the rural district council under s. 38 of the Public Health Act, 1875, are insufficient for the purpose in view.

SECTION 51.—A statement as to the number and names of the establishments to which the section would apply in each contributory place to which the application relates should be furnished; and it should be stated whether any complaints have been made respecting the management of such establishments.

2. PUBLIC HEALTH ACTS AMENDMENT ACT, 1907.

(7 Edw. 7, c. 53.)

Summary of the Act.—This Act, which is to be construed as one with the Public Health Acts, is divided into ten parts. The first, which contains enactments of a general character necessary for giving effect to the rest of the measure, extends to the whole of England and Wales exclusive of the administrative county of London. The other parts, or any sections in them, only extend to the district of any local authority to which all or any of them are applied by an Order of the Board or, as regards Parts VII., VIII., and IX., or any sections of those parts, by an Order of the Secretary of State.

By “local authority” in the Act is meant an urban sanitary authority, an urban district council, or a rural district council. Consequently, any part or section of the Act may be applied to any borough outside London, or to any other urban district, or to the district of any rural district council. Moreover, in the case of a rural district, any part or section may be applied to any contributory place in the district.

Parts II. to X. of the Act relate to the following matters:—Streets and buildings (Part II.), sanitary provisions (Part III.), infectious diseases (Part IV.), common lodging houses (Part V.), recreation grounds (Part VI.), police (Part VII.), fire brigade (Part VIII.), sky signs (Part IX.), and miscellaneous provisions (Part X.).

Application to Local Government Board to declare any part or section in force.—Under s. 3 of the Act the Board

are empowered, upon the application of a local authority, by Order to be published in such manner as the Board direct, to declare any part or any section of the Act other than Parts VII.—IX. to be in force in the district of the authority, or where they are a rural district council in any contributory place in their district, and also to declare any enactments in any local Act which appear to the Board to contain provisions similar to or inconsistent with any such part or section to be no longer in force in that district or contributory place (s. 3 (1)).

A circular letter, dated 23rd December, 1907, contains the following information as to procedure:—

“In considering whether application should be made to have any Part or section of the Act put in force, the Local Authority should have regard to the circumstances and needs of the locality. They should cause any local Act in force in their district to be carefully examined in order to ascertain whether it contains any provision bearing on the subject-matter of any Part or section of the present Act which they desire to have put in force.

“The Board will be ready to give attention to applications under the Act, but they think that such applications should not be made unless the Local Authority are satisfied that the powers sought are really needed.

“It is necessary that the Local Authority should, two weeks at least before applying to the Board for an Order, give notice of their intention to make the application by advertising the same once at least in one or more of the newspapers circulating in their district in each of two successive weeks, and no Order is to be made until proof of the advertisement has been given to the satisfaction of the Board, and until at least one month has elapsed after the date of such advertisement (section 3 (2)).

“The application, which should not be made until after the expiration of two weeks from the date of the second week’s advertisement, should be by resolution of the Local Authority asking the Board to put in force any specified Part or section of the Act which the Local Authority desire to have applied to their district, and in the case of a Rural District Council should state whether the application relates to the whole district, or to specified contributory places in it. A copy of

“the resolution, certified by the clerk, should be forwarded to the Board, and at the same time they should be furnished with a Statutory Declaration to be made by the Clerk, verifying the fact of the issue of the necessary advertisements, and having copies of the newspapers in which the advertisements were published annexed to it as exhibits.

“The Board think that it will be found convenient if, before a Local Authority publish any advertisement or make any formal application for an Order under Section 3, they forward to the Board drafts of the proposed advertisement and resolution. These should be accompanied by a statement setting out as regards each Part or each section of the Act to which the proposal relates the grounds upon which it is made. A list of any local Acts in force in the district and of any Provisional Orders altering such Acts should also be supplied, and if any of them contain provisions bearing on the subject-matter of any Part or section included in the proposed application, a copy of the local Act or Order should be forwarded, and a reference should be given to the provisions in it which are in question. If there is no local Act in force, this should be stated. This procedure will enable the Board to consider the proposal before any advertisement is issued, and, if necessary, to make suggestions for its amendment.

“The Board’s Order may specify conditions subject to which any Part or any section of the Act is to be in force in the district, and where, in the opinion of the Board, the circumstances so require, the Order may, in relation to that district, declare any Part or any section of the Act to be in force subject to such necessary adaptations as are specified in it. A statement of the effect of each Order specifying conditions or adaptations that may thus be made is to be published in the *London Gazette* as well as in any other manner directed by the Board (section 3 (3)).

“The Board will, when making any Order under the provisions of the Act, give all necessary directions as to the manner of its publication.”

PART LIII.—PUBLIC STREET IMPROVEMENTS.*

Statutory provisions.—The chief statutory provisions of the general law conferring powers on local authorities in England and Wales (outside the administrative county of London) in relation to the maintenance, repair, and improvement of highways repairable by the inhabitants at large and the formation of new streets are contained in the under-mentioned statutes :

THE PUBLIC HEALTH ACT, 1875, and the incorporated provisions of the TOWNS IMPROVEMENT CLAUSES ACT, 1847 (see s. 160 of first-mentioned Act) ;

THE HIGHWAYS AND LOCOMOTIVES (AMENDMENT) ACT, 1878 ;

THE LOCAL GOVERNMENT ACT, 1888 (s. 11) ;

THE PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 ;

THE HIGHWAYS AND BRIDGES ACT, 1891 (s. 3) ;

THE LOCAL GOVERNMENT ACT, 1894 (ss. 16, 25, 29) ; and

THE HIGHWAY ACTS.

The Public Health Act, 1875, imposes on an urban authority the duty of causing all highways repairable by the inhabitants at large in their district to be levelled, paved, metalled, flagged, channelled, altered, and repaired as occasion may require (s. 149) ; any such authority may agree with any person for the making of roads within their district through the lands of such person and may agree that such roads on completion shall become highways repairable by the inhabitants at large, and with the consent of two-thirds of their number agree to pay any portion of the expenses of making the roads (s. 146). Further, any urban authority may

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iii. pp. 456—459; vol. vi. pp. 387—395. "Encyclopædia of Forms and Precedents," vol. vi. pp. 353—431; vol. xi. pp. 61—88.

purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street or (with the sanction of the Local Government Board) for the purpose of making any new street (s. 154).

Under s. 3 of the Highways and Bridges Act, 1891, any county council or any highway authority (that is, a town council, urban district council, or rural district council) are empowered to enter into agreements with the county council of an adjoining county and any other highway authority or authorities for or in relation to the construction, reconstruction, alteration, improvement, or freeing from tolls of any main road or other highway or of any bridge (including the approaches thereto) wholly or partly situate within the jurisdiction of any one or more of the parties to the agreement.

If a highway authority fail to maintain or repair any highways within their jurisdiction, complaint may be made under s. 10 of the Highways and Locomotives (Amendment) Act, 1878, to the county council, who are empowered, if satisfied after due inquiry and report by their surveyor that the authority have made default, to make an Order limiting a time for the performance by the authority of their duty in the matter of such complaint. A similar complaint may be made to the county council by a parish council under s. 16 of the Local Government Act, 1894, where they resolve that the rural district council have failed to maintain and repair any highway in a good and substantial manner; and the county council, if satisfied after due inquiry that the rural district council have so failed, may either transfer the duties and powers of that council to themselves or make such an Order as is mentioned in s. 299 of the Public Health Act, 1875.

The powers possessed by rural district councils are less extensive than those vested in town councils and urban district councils and are chiefly exerciseable under ss. 144—148 of the Public Health Act, 1875, and the Highway Acts (see s. 25 (1) of the Local Government Act, 1894), and under s. 3 of the Highways and Bridges Act, 1891.

It may also be pointed out that it is competent to the Local

Government Board upon applications made to them in pursuance of s. 276 of the Public Health Act, 1875, or s. 25 (7) of the Local Government Act, 1894, to confer any of the powers of an urban authority under the Public Health Acts on a rural district council in respect of their district or any part thereof.

The powers of a metropolitan borough council under the general law in regard to the carrying out of public street improvements are derived from the Metropolis Management Amendment Act, 1862 (25 & 26 Vict. c. 102) and the Metropolitan Paving Act, 1817 (57 Geo. 3, c. xxix.) usually referred to as “Michael Angelo Taylor’s Act.” See especially ss. 72 and 73 of the former Act, and s. 80 of the latter Act. As to the borrowing powers of such councils, see under next sub-head.

Borrowing powers.—I. URBAN AUTHORITIES (outside London).—The borrowing of money by town councils and urban district councils under the general law for purposes of public street improvement is subject to the provisions of ss. 283 and 284 of the Public Health Act, 1875, which (*inter alia*) require the sanction of the Local Government Board to be obtained thereto.

II. RURAL DISTRICT COUNCILS.—By virtue of s. 29 of the Local Government Act, 1894, the borrowing powers conferred by the Public Health Act, 1875, are made available to rural district councils for highway purposes; and loans for such purposes should accordingly be raised by these councils under the provisions of that Act and not under the Highway Acts. Where this course is taken, the consent of quarter sessions will not be necessary to the borrowing of the money, but only that of the Local Government Board.

III. METROPOLITAN BOROUGH COUNCILS.—A metropolitan borough council have power to borrow for purposes of street improvement (as successors of the district board or vestry in pursuance of s. 4 (1) of the London Government Act, 1899) under s. 183 of the Metropolis Management Act, 1855, as applied to such purposes by ss. 72 and 100 of the Metropolis Management Amendment Act, 1862.

Under the last-mentioned section the borrowing was subject to the sanction of the Metropolitan Board of Works ; but, on the passing of the Local Government Act, 1888, the London County Council became the sanctioning authority as successors of that Board (s. 40 (8)).

The Local Government Board have no jurisdiction in regard to loans subject to the sanction of the London County Council except in the case of an appeal under the proviso to s. 4 (1) of the Local Government Act, 1899. Such an appeal lies to the Board—

- (a) If the London County Council refuse to sanction a loan ;
- (b) Do not give their sanction within six months after application ; or
- (c) Attach conditions to their sanction to which the borough council take objection.

Periods for repayment of loans.—It is stated in the report of the Select Committee on Repayment of Loans (1902) that the under-mentioned periods are usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of street improvement :

Land (purchase of freehold) . . .	60 years (where Act allows)
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New Streets—

First formation	20 years.
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Street Improvements—

Excavation and filling	30	„
Concrete foundations	20	„
Granite paving	20	„
Wood paving (hard)	Up to 10	„
Wood paving (soft)	Up to 5	„
Sanitary block or asphalt paving	10	„
Macadam	5	„
Kerbing and channelling	15—20	„
Trees on roads	10	„

Footways—

Ashes	5 years.
Gravel	5 „
Tar	10 „
Asphalte	10 „
Concrete slabs (made under pressure) .	20 „
Concrete laid in situ (with wood fillets) .	15 „
Concrete laid in situ (without wood fillets) .	10 „
Brick	10 „
Blue brick (ordinary)	15 „
Blue brick (best)	20 „
York flagging	20 „
Cheap artificial stone	15 „
Superior artificial stone	15 „

(Victoria, Granolithic, Imperial, &c.)

Subways 30 „

Where the whole of the land to be purchased will not be required for the proposed improvement, it would appear to be the general practice of the Local Government Board to issue a separate sanction to the borrowing of the amount which it is expected by the local authority will be realised by the resale of the surplus land and to allow only a short period for its repayment. The period would seem to vary from one year upwards to five years, according to the time within which the local authority anticipate that the resale will be effected. As regards the sale of surplus lands, see s. 175 of the Public Health Act, 1875.

Applications for sanction to loans.—Applications by local authorities for the sanction of the Local Government Board to the borrowing of money under the Public Health Act, 1875, for purposes of public street improvement (including the formation of new streets) should be accompanied by the particulars indicated in 1—5 below, in all cases, and by those mentioned in 6—10, where applicable to the scheme contemplated :

- (1) A copy of a resolution of the authority directing the application to be made (a) ;

(a) See also "RESOLUTIONS," p. 8.

- (2) Plans and sections of the proposed works (a) ;

NOTE.—In the case of widenings, the plans should show clearly the land to be purchased and the improvement line ; and the instructions, which appear on the face of the Official Form of Estimate (K, No. 19), as to the scale, etc., of the plans should be observed.

- (3) A detailed estimate of the cost of the scheme (in Form K, No. 19) ;

NOTE.—Care should be taken to see that replies are given to all the questions on the face of the form ; and, in explaining what arrangements have been made with the county council as regards main roads, the clerk should say whether these roads are maintained and repaired by the local authority in pursuance of a claim under s. 11 (2) of the Local Government Act, 1888, or of a contract or requisition under sub-s. (4) of that section.

- (4) Particulars (in Form K, No. 2) (b) as to the assessable value and debt of the district ;
- (5) If any existing works in respect of which there is a loan outstanding will be superseded by the proposed works, the particulars mentioned on p. 160 under the head of "Superseded Works" should be supplied.

If no such works will be superseded, this should be stated ;

- (6) Information as to whether a provisional agreement has been entered into for the purchase of any land required. If, however, the land already vests in the authority, it should be stated when, for what purpose, and under what statutory authority such land was acquired ;
- (7) If there will be any surplus land available for resale after the improvement has been effected, information

(a) See also "PLANS," p. 6.

(b) See also "FORMS," p. 5.

should be supplied as to the area and estimated value of such land, and the period within which it is expected that resale can be effected ;

- (8) If the county council propose to make a lump sum contribution towards the cost of the improvement, the amount of such contribution should be stated ;
- (9) In the case of proposed new streets, a certificate by the surveyor of the authority that the plans comply in all respects with the byelaws (if any) as to new streets in force in the district should be furnished ; and
- (10) If the scheme involves the stopping up or diversion of a public highway, it should be stated whether the necessary proceedings have been taken to obtain an order of the justices under s. 84 *et seq.*, of the Highway Act, 1835, and, in the case of a rural parish, whether the consent of the parish council or, if the parish has not such a council, of the parish meeting has also been given to the proposal (see ss. 13 (1) and 19 (8) of the Local Government Act, 1894).

Where the scheme for which the loan is required includes the purchase of properties scheduled in a Provisional Order made by the Local Government Board under s. 176 of the Public Health Act, 1875, the following particulars should also be forwarded :

- (1) A plan showing by colour the precise properties to be purchased and the improvement lines, and distinguishing each property by its number in the schedule to the Provisional Order ;
- (2) A detailed statement of the amount required for the purchase of the properties showing, in tabular form and as regards each property,—
 - (a) the number of the property in the schedule to the Provisional Order and on the plan,
 - (b) the amount which the authority have agreed or will be required to pay. Properties to be acquired by agreement should be distinguished from those to be acquired compulsorily.

- (c) the estimated value of the land to be utilised for the improvement, and
 - (d) the estimated value of the surplus land which will be available for resale; and
- (3) A statement showing what houses (if any) tenanted by persons of the working class will be taken and the number of such persons residing therein.
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PART LIV.—PUBLIC WALKS AND PLEASURE GROUNDS.* (a)

Powers of local authorities to provide.—I. COUNTY COUNCILS.

—Section 14 of the Open Spaces Act, 1906, enables a county council to purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and to support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

II. URBAN AUTHORITIES.—Under s. 164 (first paragraph) of the Public Health Act, 1875, any urban authority may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

These powers of an urban authority to contribute to the support of public walks or pleasure grounds are extended by s. 45 of the Public Health Acts Amendment Act, 1890, to include a power to contribute towards the cost of the laying out, planting, or improvement of any lands provided by any person which have been permanently set apart as public walks or pleasure grounds, and which, whether in the district of the urban authority or not, are so situated as to be conveniently used by the inhabitants of the district, and also to include a power to contribute towards the purchase by any person of lands so situate and to be so set apart.

The latter section is, however, only in force in an urban district (including a borough) where Part III. of the Act has been adopted by the local authority.

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. pp. 261—265. "Encyclopædia of Forms and Precedents," vol. vi. pp. 106—118, vol. ix. pp. 49—111.
(a) As to commons and open spaces, see Part XVI.

In any urban district in which Part VI. of the Public Health Acts Amendment Act, 1907, has been declared in force, further powers are conferred on the authority by ss. 76 and 77 of that Act.

Many urban authorities also possess special powers with respect to such purposes under local Acts.

III. RURAL DISTRICT COUNCILS.—A rural district council have no powers under the general law in regard to the provision of public walks and pleasure grounds; but it is competent to the Local Government Board under s. 276 of the Public Health Act, 1875, and s. 5 of the Public Health Acts Amendment Act, 1890, to invest any such council, as respects the whole or part of their district, with the powers of an urban authority under the Acts referred to in relation to public walks and pleasure grounds, and under s. 3 of the Public Health Acts Amendment Act, 1907, to declare Part VI. of that Act to be in force in any contributory place in their district. It would, however, appear from an examination of the tables contained in the annual reports of the Board that such powers are rarely put in force in rural districts.

An application by a rural district council to the Local Government Board for an Order investing them with the powers of s. 164 of the Public Health Act, 1875, or of that section as extended by s. 45 of the Public Health Acts Amendment Act, 1890, should accordingly be limited to cases where the circumstances are of an exceptional character and should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made;

NOTE.—The resolution should specify the particular enactment or enactments which, it is desired, should be put in force and the contributory place for which the powers are wanted.

- (2) Information as to the proposals of the council in the event of the powers being conferred;

- (3) An ordnance map (a) of the contributory place showing

(a) A map on the scale of six inches to a mile would, probably, be found most convenient for this purpose.

the position of the proposed pleasure ground and, by distinctive colour, the position of any other existing pleasure grounds or places of public recreation ; and

- (4) A statement of the special circumstances which, in the opinion of the council, render it necessary that the powers should be granted.

IV. PARISH COUNCILS.—Under paragraph (b) of sub-s. (1) of s. 8 of the Local Government Act, 1894, a parish council have power (*inter alia*) to provide or acquire land for a recreation ground and for public walks ; and, under paragraph (d) of that sub-section, they are empowered to exercise with respect to any recreation ground, village green, open space, or public walk, which is for the time being under their control, or to the expense of which they have contributed, such powers as may be exercised by an urban authority under s. 164 of the Act of 1875, or s. 44 of the Act, 1890, in relation to recreation grounds or public walks, and ss. 183—186 of the Act of 1875, are to apply accordingly as if the parish council were a local authority within the meaning of those sections.

Further, by virtue of s. 6 (1) (c) (iii), a parish council possess the powers, duties, and liabilities which, prior to their coming into office, attached to the overseers or the churchwardens and overseers of the parish with respect to the holding or management of village greens, or of allotments, whether for recreation grounds or for gardens or otherwise for the benefit of the inhabitants or any of them.

In addition to the above-mentioned powers, those of the Public Improvements Act, 1860 (23 & 24 Vict. c. 30) are also available to a parish council where the Act has been adopted by the parish meeting. In such circumstances, the parish council would, subject to the provisions of that Act, be empowered by s. 1 :

“ to purchase or lease lands, and to accept gifts and grants
 “ of land, for the purpose of forming any public walk, exercise
 “ or play ground, and to levy rates for maintaining the same,
 “ and for removal of any nuisances or obstruction to the free
 “ use and enjoyment thereof, and for improving any open

“walk or footpath, or placing convenient seats, or shelters from rain, and for other purposes of a similar nature.”

Section 6 of the Act, however, provides that, previous to any improvement rate being imposed, a sum in amount not less than one-half of the estimated cost of the proposed improvement shall have been raised, given, or collected by private subscription or donation.

Adoption of Public Improvements Act, 1860.—In a rural parish the proceedings for the adoption of the Public Improvements Act, 1860, are regulated by s. 2 of that Act, s. 5 of the Baths and Washhouses Act, 1846, as amended by s. 2 and Part I. of the Schedule of the Local Government Board Act, 1871, ss. 7, 45, and 51, and the rules contained in Part I. of the First Schedule of the Local Government Act, 1894, and the General Orders of the Local Government Board prescribing rules under s. 48 of the last-mentioned Act for the taking of polls consequent upon demands made at parish meetings.

By virtue of s. 7 (1) of the Local Government Act, 1894, the parish meeting have, *exclusively*, in every rural parish, the power of adopting the Public Improvements Act, 1860; but, in pursuance of s. 7 (2) of the Act of 1894 and s. 5 of the Baths and Washhouses Act, 1846, it is necessary that at least two-thirds of the parochial electors voting on the question shall have voted for the resolution, or a like majority of the parochial electors secured in favour of the adoption, in the event of a poll being taken.

The approval of the resolution by the Local Government Board is also required (see s. 2 of the Act of 1860, and s. 5 of the Act of 1846 referred to as amended by s. 2 of the Local Government Board Act, 1871). There is no provision in the Act enabling it to be adopted for part only of a parish.

An application to the Local Government Board for their approval of a resolution of a parish meeting adopting the Public Improvements Act, 1860, should be accompanied by the following particulars :

- (1) A copy of the notice convening the parish meeting, endorsed with a certificate to the effect that the notice

has been published in accordance with the requirements of s. 51 of the Local Government Act, 1894, and that it was published not less than fourteen days before the date of the parish meeting ;

- (2) A copy of the resolution passed by the parish meeting, signed by the chairman of the meeting ; and
- (3) Information as to (a) the number of parochial electors who voted for the resolution, and (b) the number who voted against it.

If a poll was demanded on the question whether the Act should be adopted, it should be stated :

- I. Whether the requirements of the Order of the Local Government Board of the 5th of February, 1895, as to polls were complied with ; and
- II. (a) What number of votes were given for the adoption, and (b) what number of votes were given against the adoption.

The annual reports of the Local Government Board show that, up to the 31st December, 1906, the Board had approved of the adoption of the Act by the parish meetings of the under-mentioned parishes :

Clapham (Beds).	King's Sutton.
Corwen.	Longparish.
Craghead.	Medomsley.
Flamborough.	Ringwood.
Freshwater.	Seaham.
Haydon.	Shap (a).
Highworth.	Totland.
Hurstpierpoint.	Walkington.

Borrowing powers.—I. COUNTY COUNCILS.—The borrowing of money by a county council under the general law for purposes of public walks and pleasure grounds is subject to the provisions of s. 69 of the Local Government Act, 1888, as applied by s. 18 of the Open Spaces Act, 1906. The consent

(a) Since constituted an urban district.

of the Local Government Board is therefore necessary to the borrowing.

II. URBAN AUTHORITIES (outside London).—Town councils and urban district councils are empowered to borrow money for these purposes under ss. 233 and 234 of the Public Health Act, 1875, with the sanction of the Local Government Board.

III. PARISH COUNCILS.—The borrowing of money by a parish council for such purposes is subject to the provisions of s. 12 of the Local Government Act, 1894. Under that section, the consents of the county council and Local Government Board are necessary to the borrowing; and the consent of the parish meeting to the incurring by the parish council of expenses or liabilities which will involve a loan is also required in pursuance of s. 11 of that Act.

Periods for repayment of loans.—It would appear from the report of the Select Committee on Repayment of Loans (1902) that the periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of public walks and pleasure grounds are as follows:

Land (purchase of freehold)	. . . . .	60 years (where Act allows).
Buildings (brick or stone)	. . . . .	30 years.
Artificial Lakes	. . . . .	30 „
Laying out, Planting, Path-making, etc.	. . . . .	20 „
Greenhouses	. . . . .	Up to 20 „
Seats, Swings, and Gymnastic Appliances	. . . . .	10 „

Applications for sanction to loans.—I. COUNTY COUNCILS.—An application by a county council for the consent of the Local Government Board to the borrowing of money for the purpose of providing public walks and pleasure grounds should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (a);

(a) See also "RESOLUTIONS," p. 8.

- (2) A map of the district in which the pleasure ground will be situate, showing by colour the position of the land and by distinctive colour the positions of any other pleasure grounds in the district, a plan of the land showing how it is to be laid out, and plans, sections, and elevations of any building to be erected showing (*inter alia*) the drainage arrangements (a) ;
- (3) A detailed estimate of the cost of the scheme (b) ;
- (4) Information as to whether a provisional agreement has been entered into for the purchase of the land ; and
- (5) Particulars (in Form K, No. 15 (c)) as to the rateable value and debt of the county.

II. URBAN AUTHORITIES (outside London).—An application by a town council or urban district council (or by a rural district council who have been invested with the powers of an urban authority in the matter) for the sanction of the Board to a loan for the purpose in question should be accompanied by similar particulars to those indicated as being required in the case of an application by a county council, except that information as to the assessable value and debt of the district should be furnished in Form K, No. 2.

III. PARISH COUNCILS.—An application by a parish council for consent to a loan for such a purpose should be accompanied by—

- (1) A copy of a resolution of the parish council directing the application to be made (d) ;
- (2) A copy of the resolution of the parish meeting (signed by the chairman), consenting to the parish council incurring the expenses or liabilities for which the loan is required ;
- (3) A copy of the document conveying the consent of the county council to the loan ;

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4.

(c) See also "FORMS," p. 5.

(d) See also "RESOLUTIONS," p. 8.

- (4) A map of the parish showing by colour the position of the land and, by distinctive colour, the position of any other pleasure ground, a plan of the land showing how it is to be laid out, and plans, sections, and elevations of any buildings to be erected, showing (*inter alia*) the drainage arrangements (a) ;
- (5) A detailed estimate of the cost of the scheme (b) ;
- (6) Information as to whether a provisional agreement has been entered into for the purchase of the land ;
and
- (7) Particulars (in Form K, No. 100) as to the rateable value and existing debt of the parish (c).

Byelaws.—The following notes should be read in conjunction with the general instructions given on p. 200 *et seq.*, as to the manner in which applications should be made to the Local Government Board for the confirmation or allowance of byelaws and regulations.

The making of byelaws with respect to public walks and pleasure grounds, as distinct from open spaces coming within the Open Spaces Act, 1906, are authorised by the under-mentioned enactments:—

URBAN AUTHORITIES :

Section 164 (second paragraph) of the Public Health Act, 1875, and s. 44 (2) of the Public Health Acts Amendment Act, 1890.

PARISH COUNCILS :

Section 8 (1) (d) of the Local Government Act, 1894.

In each case the byelaws are subject to confirmation by the Board (see s. 184 of the Public Health Act, 1875, and s. 9 of the Public Health Acts Amendment Act, 1890).

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4.

(c) See also "FORMS," p. 5.

In addition, in any urban district, or in any contributory place, or a rural district in which Part VI. of the Public Health Acts Amendment Act, 1907, has been declared in force, the local authority are empowered to make byelaws for the purposes mentioned in s. 76 of that Act. Such byelaws require confirmation by the Local Government Board in pursuance of the provisions of the Public Health Act, 1875, applied by s. 9 of the Act of 1907.

The Local Government Board have prepared model byelaws with regard to pleasure grounds provided under s. 164 of the Public Health Act, 1875, and these have been placed on sale, viz. :

Series X.—Pleasure Grounds. [8vo. 1900. Price 2d. (a)]

Byelaws under s. 44 (2) of the Act of 1890 should be based on the model byelaws as to "Pleasure Boats and Vessels" (b).

When submitting drafts of byelaws proposed to be made by a local authority (other than a parish council) to the Board for their preliminary approval, it should be stated how and under what statutory authority the pleasure ground became vested in the local authority, and a copy of any conveyance, lease, or scheme relating thereto should be forwarded. If there is any local Act or Provisional Order amending a local Act in force in the district containing provisions on the subject, a reference thereto should be given.

Where byelaws in regard to a recreation ground are proposed to be made by a parish council, it should be stated whether the ground was allotted under s. 15 of the Inclosure Act, 1845, or how otherwise it has come under the control of the parish council. If it were so allotted, extracts from the Inclosure Award so far as it relates to the ground should be furnished, but, if not the subject of such an award, the Board should be informed whether the churchwardens and overseers or the vestry formerly exercised any control over the ground, or expended any money on it before the Local Government Act,

(a) Supplied by Messrs. Shaw & Sons, Fetter Lane, E.C.

(b) See p. 7.

1894, came into operation, or whether the parish council have themselves expended any money on it since that date. Extracts from any minutes of the vestry should be supplied ; and, if there are common rights over the ground, information on this point should also be supplied.

PART LV.—REFUSE DESTRUCTORS AND REFUSE TIPS.*

Statutory provisions.—In England and Wales s. 45 of the Public Health Act, 1875, enables any urban authority, if they see fit, to provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, ashes, and rubbish; and also to provide fit buildings and places for the deposit of any matters collected by them in pursuance of this part of the Act.

The section applies only to urban authorities, that is to say, town councils and urban district councils; but it is competent to the Local Government Board upon an application under s. 276 of the Public Health Act, 1875, or s. 25 (7) of the Local Government Act, 1894, to invest a rural district council in respect of any contributory place in their district with the powers of an urban authority under the enactment.

In connection with any such application, it should be stated whether the rural district council undertake or contract for the scavenging in each contributory place for which the powers are desired, and what is proposed to be done in each such place in the event of the section being put in force. In this respect it should be explained whether the district council contemplate the provision of receptacles for the temporary deposit of dust, ashes, and rubbish under the powers of the first part of the section, and, if so, whether it is anticipated that these receptacles would be generally utilised, whether they could be so placed as not in themselves to constitute a nuisance, and what arrangements would be made for emptying them. It will be observed that the latter part of the section only enables an authority to provide buildings and places for the permanent

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. vi, pp. 91—99.

deposit of matters which are collected by them, so that, unless the district council themselves undertake the collection, the powers will not be available.

The powers of local authorities within the county of London in regard to the provision of refuse destructors and refuse tips are derived from the Metropolis Management Act, 1855 (ss. 150, 183), the Public Health (London) Act, 1891 (s. 32), and the Public Health (London) Act 1891 Amendment Act, 1893 (s. 1), as applied to metropolitan borough councils by s. 4 of the London Government Act, 1899.

Borrowing powers.—Borrowing under the general law for purposes of refuse destructors and refuse tips by urban authorities outside London is subject to the provisions of ss. 233 and 234 of the Public Health Act, 1875, which make the consent of the Local Government Board necessary thereto. These powers are also exercisable by rural district councils who have been invested by that Board with the powers of s. 45 of the Act.

As regards local authorities within the county of London, the borrowing of money for such purposes is subject to the sanction of the London County Council under s. 183 of the Metropolis Management Act, 1855, as applied by s. 1 of the Public Health (London) Act 1891 Amendment Act, 1893.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes connected with the provision of refuse destructors are :

Land (purchase of freehold)	.	.	.	60 years.
Buildings	.	.	.	30 „
Destructor plant	.	.	.	15 „

The annual reports of the Board show that no uniform period is allowed for the repayment of loans for the purchase of land for refuse tips. Subject to the maximum period of sixty years, the period which would be allowed in any case for the repayment of the loan would, no doubt, largely depend upon the time for which the land will be available for the purpose.

Applications for sanction to loans.—Applications for the sanction of the Local Government Board to the borrowing of money by local authorities under the Public Health Act, 1875, for purposes of refuse destructors and refuse tips should be accompanied by the following information, so far as it is applicable to the particular proposal :

- (1) A copy of a resolution of the authority directing the application to be made (a) ;
- (2) An ordnance map on the scale of 25 inches to a mile, showing the site (by colour) and all buildings in the vicinity, together with plans, sections, and an elevation of the proposed destructor (including a block plan showing the drainage arrangements) (b) ;
- (3) A report as to the possibility of any nuisance arising from the destructor. The report should (*inter alia*) state whether it is proposed to burn any fæcal matter, and whether there will be any special provision for disposing of objectionable refuse ;
- (4) A detailed estimate of the cost of the scheme, or, in the case of a refuse tip, a statement showing how the amount proposed to be borrowed is made up (c) ;
- (5) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district (d) ;
- (6) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the local authority, it should be stated when, for what purpose, and under what statutory authority the land was acquired. If it was purchased by means of a loan, particulars as to the loan should be supplied.
- (7) Information in the case of a proposed tip, as to how long it is expected that the land will suffice, and as to the basis on which the calculation is made,

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

(c) No form is provided by the Board for this purpose. See also "ESTIMATES" p. 4.

(d) See also "FORMS," p. 5.

Loans sanctioned.—The annual reports of the Local Government Board show that numerous loans have been sanctioned by the Board for the purposes of refuse destructors and the provision of refuse tips. Loans for these purposes were sanctioned to the councils of the under-mentioned districts in 1906, the last year for which particulars are at present available.

1. REFUSE DESTRUCTORS.

(i) *Boroughs.*

Accrington.	Sheffield.
Gloucester.	Southport.
Nelson.	Stoke-upon-Trent.
Newcastle-on-Tyne.	Swansea.
New Windsor.	

(ii) *Urban Districts (other than boroughs).*

Felixstowe and Walton.	Llandrindod Wells.
Gorton.	Stourbridge.
Levenshulme.	Tottenham.

2. REFUSE TIPS.

The urban districts of Crompton and Wallasey.

Question in Parliament.—The following reply of the President of the Local Government Board shows the view held by that Board with respect to the question whether refuse destructors cause nuisance or injury to health :

[*House of Commons.* August 8th, 1905.]

Sir Thomas Dewar.—To ask the President of the Local Government Board, if he will instruct the Board's medical inspector to report to what extent dust destructors, similar to that erected by the city of Westminster, in the vicinity of Commercial Road, Lambeth, are prejudicial to public health.

Mr. Gerald Balfour.—The Local Government Board have not received any complaint with regard to the destructor referred to, nor am I aware that there is any evidence to show that modern destructors cause nuisance or injury to the health of the populations in their neighbourhood.

I do not at present see any sufficient reason to direct a general inquiry on this subject, but I will instruct one of the medical inspectors of the Board to report to me as to the particular destructor above mentioned.]

PART LVI.—SEA DEFENCES.*

Statutory provisions.—There do not appear to be any provisions in the general law expressly authorising the construction of sea defence works by local authorities in England and Wales, but it may be assumed that the Public Health Act, 1875, authorises the construction of such works, as the Local Government Board have in many cases sanctioned the borrowing, under that Act, of money to defray the cost of carrying out such works.

It may be added that various local authorities have special powers to construct sea walls and other works of sea defence, and to borrow money to defray the cost of such works under local Acts.

Borrowing powers.—The borrowing of money by a local authority under the Public Health Act, 1875, for works of sea defence is subject to the provisions of ss. 233 and 234 of that Act, and therefore requires the sanction of the Local Government Board.

Periods for repayment of loans.—It is stated in the report of the Select Committee on Repayment of Loans (1902) that the following periods are usually allowed by the Local Government Board for the repayment of loans sanctioned by them for works of sea defence :

Groynes (concrete)	.	.	.	20 years.
„ (timber)	.	.	.	10 „
Sea walls	.	.	.	20 „

Application for sanction to loan.—An application by a local authority for sanction to borrow money under the Public Health Act, 1875, for works of sea defence should be accompanied by—

* BIBLIOGRAPHY.—“Encyclopædia of Local Government Law,” vol. vi. p. 264. Hunt’s “Boundaries and Fences.”

- (1) A copy of a resolution of the authority directing the application to be made (*a*) ;
- (2) Plans and sections of the proposed works, together with an ordnance map showing the position of such works in relation to the property of the authority for the protection of which they are needed (*b*) ;
- (3) A detailed estimate of the cost of the works (*c*) ;
- (4) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district (*d*) ;
- (5) A statement as to the prevailing currents and winds ; and
- (6) Information as to whether the consent of the Board of Trade has been obtained as regards the construction of any of the intended works which will be below high-water mark.

Loans sanctioned by Local Government Board.—During the seven years ended December 31st, 1906 (1900—1906), loans for works of sea defence were sanctioned by the Local Government Board to the councils of the undermentioned districts :

I. BOROUGHES.

Aberavon.	Deal.	Ramsgate.
Aberystwith.	Eastbourne.	Scarborough.
Blackpool.	Hastings.	Southend-on-Sea.
Bridlington.	Lowestoft.	Southwold.
Brighton.	Morecambe.	Sunderland.
Carnarvon.	Penzance.	Torquay.

II. URBAN DISTRICTS (other than boroughs).

Clacton-on-Sea.	Hornsea.	Shanklin.
Criccieth.	Llandudno.	Sheerness.
East Cowes.	Llanfairfechan.	Sheringham.
Felixstowe & Walton.	Oystermouth.	Swanage.
Folkestone.	Penmaenmawr.	Ventnor.
Frinton-on-Sea.	St. Helens (I.W.).	Walton-on-the-Naze.
Herne Bay.	Sandgate.	Withernsea.

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) A form is not provided for this purpose by the Board.

(*d*) See also "FORMS," p. 5.

III. RURAL DISTRICT.

Erpingham R. D.

Sheringham and Beeston Regis Contributory places (a).

Royal Commission on Coast Erosion.—A royal commission was appointed in July, 1906, to inquire and report as to the encroachment of the sea on various parts of the coast of the United Kingdom and the damage which has been, or is likely to be, caused thereby, and what measures are desirable for the prevention of such damage; whether any further powers should be conferred upon local authorities and owners of property, with a view to the adoption of effective and systematic schemes for the protection of the coast and the banks of tidal rivers; whether any alteration of the law is desirable as regards the management and control of the foreshore; and whether further facilities should be given for the reclamation of tidal lands.

The Commission is still pursuing its investigations (April, 1908); but it has issued the following Report and Minutes of Evidence which have been published as Parliamentary Papers (b) :

Vol. I., Part I.—*First Report*. [Cd. 3,683. 1907. Price 1d.]

Vol. I., Part II.—*Minutes of Evidence and Appendices*. [Cd. 3,684. 1907. Price 8s. 9d.]

The Secretary of the Commission is Mr. C. H. Grimshaw, Board of Trade, Whitehall, London, S.W.

(a) Sheringham subsequently became an urban district. There is a local Act in force here as to sea defences.

(b) As to how such papers may be obtained, see Part XLVI., "Parliamentary and other Papers."

PART LVII.—SEWERAGE AND SEWAGE DISPOSAL.*

Statutory provisions.—The principal statutory provisions conferring powers and imposing duties on local authorities in England and Wales (outside the administrative county of London) in relation to the sewerage and disposal of the sewage of their districts are contained in the under-mentioned enactments:—

PUBLIC HEALTH ACT, 1875 (see especially ss. 4, 13—34, 175, 176, 229, 233, 234, 279, 285, 299, 327, 331—333) ;

PUBLIC HEALTH ACT 1875 (SUPPORT OF SEWERS) AMENDMENT ACT, 1883 ;

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (see especially ss. 16—19) ;

RIVERS POLLUTION PREVENTION ACTS, 1876 AND 1893 ;

LOCAL GOVERNMENT ACT, 1888 (ss. 14, 19 (2)) ; and

LOCAL GOVERNMENT ACT, 1894 (ss. 16, 19 (8)).

Town councils, urban district councils, and rural district councils are required by the Public Health Act, 1875, to keep in repair all sewers belonging to them, and to cause to be made such sewers as may be necessary for effectually draining their districts (s. 15), and to cause their sewers to be constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied (s. 19). For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage, the necessary powers to acquire lands and construct works are conferred by s. 27 of the Act. The Act also confers on these

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. pp. 211—212; vol. iv. p. 646; vol. v. p. 229 *et seq.*; vol. vi. pp. 271—358. "Encyclopædia of Forms and Precedents," vol. x. pp. 498—603. Macmorran and Willis' "Law relating to Sewers and Drains."

councils important powers with respect to the construction of sewers and other work for sewage purposes within and without their districts (ss. 16, 32), the communication of their sewers with those of adjoining districts (s. 28), the purchase of land by agreement and otherwise (ss. 175, 176), and the borrowing of money for these purposes (ss. 233, 234).

If any such council fail to provide their district with sufficient sewers or to maintain existing sewers, complaint may be made by any person to the Local Government Board under s. 299 of the Act; and that Board, if satisfied after due inquiry, that the local authority have been guilty of the alleged default, are empowered to make an order limiting a time for the performance by such authority of their duty in the matter of such complaint. For further information on this point, see Part XIX., "Default of Local Authority."

A like complaint may be made, in the case of a rural parish, to the county council by the parish council, or, if the parish has not a parish council, by the parish meeting (Local Government Act, 1894, ss. 16, 19 (8)).

The Rivers Pollution Prevention Acts, 1876 and 1893, also contain stringent provisions against the discharge of polluting sewage matter into non-tidal waters.

The powers of local authorities within the county of London are chiefly regulated by the Metropolis Management Act, 1855, the Metropolis Management Amendment Acts of 1858 and 1862, and the London County Council (General Powers) Act, 1894.

Powers of parish council.—Parish councils are not empowered by the general law to carry out schemes of sewerage nor to incur expense in the preparation of such schemes. If, therefore, a parish council are of opinion that the parish or any part of the parish is in need of sewerage, they should bring the matter to the notice of the rural district council, upon whom, as it has already been pointed out, the Legislature has imposed the duty of seeing that the requirements of their district as regards sewerage are adequately met, and who

possess the necessary statutory powers to carry out the requisite works, and to borrow money to defray the cost of such works.

Under s. 16 of the Local Government Act, 1894, however, where a parish council resolve that a rural district council ought to have provided the parish with sufficient sewers or to have maintained existing sewers, they may make complaint to the county council, who, if satisfied after due inquiry that the rural district council have so failed, may either transfer the duties and powers of such council in the matter to themselves or may make such an Order as is mentioned in s. 299 of the Public Health Act, 1875. And where a rural district council have determined to adopt plans for the sewerage of any contributory place in their district, they must give notice thereof to the parish council of the parish for which the works are to be provided before any contract is entered into by them for the execution of the works (sub-s. (3)).

It will be observed that this sub-section only requires the rural district council to give *notice* of the adoption of the plans before entering into a contract for the execution of the works; and it presumably leaves to the discretion of such council what action (if any) they will take in the event of objection being made by the parish council.

It would appear to be competent to a parish council to depute their clerk or chairman or any other member of their body to represent them at any local inquiry which the Local Government Board might direct to be held with regard to an application from the rural district council for sanction to a loan for the execution of works of sewerage for the parish; but if the parish council should incur any expenses in connection with the inquiry, the question of the legality or reasonableness of such expenses would be one for the determination of the district auditor, subject, of course, to appeal to that Board against his decision.

Borrowing powers.—A local authority in England and Wales (outside London) are empowered to borrow money for purposes of sewerage and sewage disposal under the provisions

of ss. 233 and 234 of the Public Health Act, 1875, which (*inter alia*) require the sanction of the Local Government Board to be obtained thereto. They also have power to borrow, subject to certain limits and without any other sanction, under s. 235 of that Act on the credit of sewage land and plant. The borrowing of money by local authorities within the county of London for these purposes is not subject to the sanction of the Local Government Board. Many local authorities have also extensive powers of borrowing for these purposes under Local Acts.

Periods for repayment of loans.—It is stated in the report of the Select Committee on Repayment of Loans (1902) that the under-mentioned periods are usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of sewerage and sewage disposal :—

LAND (purchase of freehold)	. . . . .	60 years
EASEMENTS	. . . . .	Period of works for which they are required
SEWERS and SURFACE WATER DRAINS and ordinary works		
of sewage disposal, such as TANKS, FILTERS, etc.	. . . . .	30 years
SEWAGE LIFTS	. . . . .	30 „
SHONE'S EJECTORS	. . . . .	15 „
POLARITE	. . . . .	10 „
SLUDGE PRESSES	. . . . .	10 „
FARM STOCK	. . . . .	5—10 „

Formulation and execution of schemes.—It is not the practice of the Local Government Board to advise local authorities as to what particular schemes should be adopted nor to recommend particular engineers for employment by local authorities in connection with the preparation of such schemes. Where a local authority are of opinion that their district or any part thereof is in need of sewerage or sewage disposal works they should consult some competent engineer, who has had practical experience in designing and carrying out such works, with a view to the preparation

of a scheme suitable to the requirements of the locality for which the scheme is intended. The scheme should be adopted by the local authority before being submitted to the Local Government Board. If, however, the local authority do not desire to raise a loan to defray the cost of the proposed works, it will not be necessary to submit the scheme to that Board.

The following remarks of the Local Government Board appearing on pp. cxxxi. and cxxxiv. of their 32nd Annual Report (1902—1903) are interesting in regard to proposals to offer premiums for competitive schemes:

“We have observed an increase in the number of cases in
“which local authorities proposing to carry out works of
“sewerage, sewage disposal, or water supply have adopted
“the plan of advertising for the best scheme and offering a
“premium for the one which meets their requirements. It
“appears to us that there are disadvantages in this course
“which may not have been present to the minds of the
“authorities concerned.

"In the first place, we are advised that the engineers who have the largest experience in works of this nature will not enter these competitions.

“Secondly, as the acceptance or rejection of a particular scheme by a local authority depends to large extent upon its estimated cost, there is a noticeable tendency to cut down the estimates in connection with these competitive schemes. The consequence of this underestimating of the expense is seen in the number of cases in which supplemental loans are required to meet excess expenditure, such excess amounting in many cases to 50 per cent. of the whole cost of the works as originally estimated.

“Nor can the competing engineers be held solely to blame
“in such cases, for a reliable estimate of cost can only be
“made after a very careful examination of the locality and
“some expenditure of money as well as time in examining the
“sub-soil and all the peculiarities of the district.

"The engineers have no security that they will be reimbursed
"the preliminary expenses incurred by them in connection
"with the preparation of these schemes, and as might be
"expected in such circumstances, these expenses are often
"reduced to an extent which is incompatible with the proper

“examination of the locality for the purpose of preparing the
“most efficient scheme.”

The attention of local authorities is also specially directed to the letter addressed by the Local Government Board to the Hayes Urban District Council on 19th February, 1906, relative to the application of the council for sanction to borrow further money for works of sewerage and sewage disposal. This letter, which is published as a parliamentary paper (*No. 109. 1906. Price 1d.*), adversely criticised the decision of the Uxbridge Rural District Council (the predecessors of the urban district council and the authority responsible) to carry out the scheme by their own staff and commented unfavourably on the conduct of the engineers in regard to the drawing up of the specification, the under-estimating of the cost, and other points.

Requirements of Local Government Board.—Beyond the instructions contained in the official form of estimate, the Local Government Board have not issued any printed information as to their requirements with regard to schemes of sewerage and sewage disposal for which their sanction to the borrowing of money is necessary, nor do they issue any model plans on the subject.

The following are some of their more widely known requirements:—

1. SEWERS.

- (i) In the case of brick sewers, radiated bricks should be used when they can be obtained (*a*).
- (ii) Side junctions for house drains should be inserted in brick sewers at the time of construction. Junction pipes should be provided on all pipe sewers (*a*).
- (iii) Main sewers should, as far as practicable, be laid at such depth and with such gradients as to afford means for draining the cellars and basements of houses (*a*).
- (iv) Sewers laid under roadways should have at least four feet of cover measuring from the surface of the ground to the top of the pipes; but, when this is

(*a*) See instructions on form of estimate (K, No. 29).

impracticable, the pipes should be surrounded with six inches of concrete (a). The latter requirement applies also where the pipes are laid in roadways at a depth exceeding fifteen feet. Where the pipes are laid under fields there should be at least 3 feet of cover.

- (v) Sewers should be laid in straight lines with manholes at all changes of direction or gradient, and the distance between any two manholes should not exceed one hundred yards.
- (vi) All manholes and underground chambers in roadways should be of sufficient strength to carry the heaviest traction engine or other traffic likely to pass over them.
- (vii) Joints must be made of cement and not of clay.
- (viii) Provision should be made for the efficient ventilation of the sewers.
- (ix) Adequate measures should be adopted for preventing the infiltration of sub-soil and surface water into the sewers.
- (x) A storm overflow should be constructed in a suitable position on the outfall sewer, having a fixed weir with the sill at such a level that the overflow will not come into operation until the ordinary dry weather flow of sewage has been diluted with five times its volume of storm water, that is to say, when a total volume equal to six times the dry weather flow has been conveyed to the outfall works for treatment.

2. MACHINERY.—Pumping machinery should be provided in duplicate.

3. SEWAGE DISPOSAL.—Schemes of sewerage which involve the discharge of sewage effluent into non-tidal waters must include provision for the purification of the effluent on an adequate area of land in addition to any particular process

(a) See instructions on form of estimate (K, No. 29).

which may be adopted for the preliminary treatment of the sewage, unless it can be shown that it is not practicable to acquire at a reasonable cost land which would not be unsuitable for the purpose.

The precise area of land which should be provided in any case must, of course, depend largely upon the character of the sewage to be dealt with, the nature of the land selected, and the efficiency of the process adopted for the preliminary treatment of the sewage; but, in cases in which it is intended to deal only with domestic sewage and suitable land can be obtained, the Local Government Board require that land should be provided in *at least* the under-mentioned proportions, the population specified being that of the area draining to the particular outfall:

BROAD IRRIGATION (without previous treatment)	{	1 acre to every 150 persons.
BACTERIAL PROCESSES		
Other methods of treatment	{	1 acre to every 1,000 persons or every 30,000 gallons.
	{	1 acre to every 1000 or 2000 persons, according to sys- tem adopted.

Where it is proposed to construct bacteria beds for the treatment of sewage, the Board appear, as a general rule, to insist on the following requirements being observed:

- (1) The bacteria beds should be designed of sufficient size to deal in a day of twenty-four hours with a total volume equal to twice or three times the daily dry weather flow of sewage, according to whether or not the district has a separate system of surface water drainage.
- (2) Where the beds are to be worked on the intermittent, or "contact," plan and the effluent is to receive final treatment on land, one set of beds, *i.e.* single contact, would ordinarily be regarded as sufficient. The working capacity of the beds would be taken at one-third the empty capacity, *i.e.* the capacity of the tanks before

the filtering material is put in; and the number of fillings per day of twenty-four hours must not exceed three.

- (3) When the filters are proposed to be worked on the continuous, or percolating, principle, and land treatment is provided, the maximum rate of filtration allowed is fifty-six gallons per square yard per foot in depth of filtering material per day.
- (4) Where the circumstances preclude land treatment, the cubic contents of the filtering material in either case must be double that indicated above, *i.e.* two sets of contact beds or "double contact" must be provided in the case of beds worked on the intermittent plan, and the rate of filtration for continuous or percolating filters must not exceed twenty-eight gallons per square yard per foot in depth of filtering material.
- (5) In addition to provision, as above-mentioned, for the full treatment of sewage up to twice or three times the dry weather flow (as the case may be), provision should be made in the scheme for dealing with any excess liquid beyond that volume up to at least six times the dry weather flow, either by distributing it on a sufficient area of land or by passing it through separate storm water filters of sufficient extent to admit of a continuous rate of filtration not exceeding five hundred gallons per square yard per diem.

Where a septic tank (or tanks) is to be provided, the capacity thereof should not be less than the ordinary dry weather flow of sewage to the outfall in twenty-four hours.

Management of sewage works.—The Local Government Board advise local authorities to retain in their own hands the control and management of sewage disposal areas; and, in doing so, they state that their experience shows that, as a general rule, the results which ensue upon a local authority entrusting the treatment of the sewage of their district to private persons are unsatisfactory as the tenant is not

infrequently more concerned to make a profit for himself than to purify the sewage properly.

The following remarks on this point which appear on p. cxxxiii. of the 32nd Annual Report of the Local Government Board (1902—1903) should be carefully noted :

“In our previous report we referred to the necessity of providing skilled supervision at sewage works. Our experience during last year has emphasised this need. Several cases have come under our notice in which sewage has been imperfectly purified owing to the absence of proper management of the sewage works, and it cannot be too strongly pointed out that proper management is essential to the success of such works.”

Royal Commission on Sewage Disposal.—On the 7th of May, 1898, a royal commission was appointed to inquire and report—

I. (1) What method or methods of treating and disposing of sewage (including any liquid from any factory or manufacturing process) may properly be adopted, consistently with due regard for the requirements of the existing law, for the protection of public health, and for the economical and efficient discharge of the duties of local authorities; and

(2) If more than one method may be so adopted, by what rules, in relation to the nature or volume of sewage, or the population to be served, or other varying circumstances or requirements, should the particular method of treatment and disposal to be adopted be determined; and

II. To make any recommendations which may be deemed desirable with reference to the treatment and disposal of sewage.

The commissioners have not yet completed their investigations, but up to the end of 1907 they had issued the following reports, etc., which are published as parliamentary papers (*a*).

(*a*) Copies of these can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Fetter Lane, London, E.C.

ROYAL COMMISSION ON SEWAGE DISPOSAL.—

(i) *Interim Report*, dated 12th July, 1901. [*Cd.* 685. 1901. *Price* 2*d.*]

This report contains the conclusions of the commissioners on the three questions set out below :

Question 1.—Are some sorts of land unsuitable for the purification of sewage ?

Question 2.—Is it practicable to produce by artificial processes alone an effluent which shall not putrefy and so create a nuisance in the stream into which it is discharged ?

Question 3.—What means should be adopted for securing the better protection of our rivers ?

(ii) *Interim Report*. Vol. II.—*Evidence*. [*Cd.* 686. 1902. *Price* 4*s.* 6*d.*]

(iii) *Interim Report*. Vol. III.—*Appendices*. [*Cd.* 686—i. 1902. *Price* 14*s.* 9*d.*]

(iv) *Second Report*. [*Cd.* 1,178. 1902. *Price* 4*s.* 10*d.*]

(v) *Third Report*. 1. Trade Effluents. 2. A new Central Authority. [*Cd.* 1,486. 1903. *Price* 4½*d.*]

(vi) *Third Report*. Vol. II.—*Evidence*. [*Cd.* 1,487. 1903. *Price* 2*s.* 8*d.*]

(vii) *Fourth Report*. *Pollution of Tidal Waters, with special reference to Contamination of Shell Fish.*

Vol. I.—*Report*. [*Cd.* 1,883. 1904. *Price* 4½*d.*]

Vol. II.—*Evidence*. [*Cd.* 1,884. 1904. *Price* 6*s.* 6*d.*]

Vol. III.—*Reports by Dr. Houston on Bacteriological Investigations. (Correspondence with Foreign Countries.)* [*Cd.* 1,885. 1904. *Price* 10*s.* 10*d.*]

Vol. IV.—*Land Treatment of Sewage.*—

Part I.—*General Report (with diagrams)*. [*Cd.* 1,886. 1904. 3*s.* 9*d.*]

Part II.—*Chemical Report by Dr. G. McGowan (with diagrams)*. [*Cd.* 1,886—i. 1904. 9*s.* 7*d.*]

Part III.—Bacteriological Report by Dr. A. C. Houston (with appendices, plates, and diagrams). [*Cd.* 1,886—ii. 1904. 5s. 3d.]

Part IV.—Engineering and Practical Report by Mr. G. B. Kershaw (with appendices, plates, and diagrams). [*Cd.* 1,886—iii. 1904. 11s.]

Part V.—Report on methods of chemical analysis as applied to sewage and sewage effluents (with appendices). [*Cd.* 1,886—iv. 1904. 7d.]

Mr. F. J. Willis is the secretary of this important commission, and their offices are at 5, Old Palace Yard, Westminster, S.W.

The following letter with regard to the postponement of schemes of sewage disposal by local authorities pending the issue by the commissioners of their final report was addressed to the editor of the *Times* newspaper by the Earl of Iddesleigh, the chairman of the royal commission, and appeared in that newspaper on October 21st, 1898 :

“ To the Editor of the *Times*,

“ SIR,

“ It has been brought to the notice of the Royal Commission on Sewage Disposal that there is a tendency on the part of some manufacturers and local authorities to postpone the carrying out of works for the purification of trade refuse and sewage until the commission have issued their report, and I, therefore, think it desirable to state that a considerable time, perhaps even some years, must elapse before the commission can arrive at any final conclusions on a subject which necessarily involves detailed and prolonged scientific investigation.

“ Any such postponement would be viewed by the commission with the gravest concern.

“ I am, Sir,

“ Your obedient servant,

“ (Signed) IDDESLEIGH.

“ Royal Commission on Sewage Disposal.

“ October 20th.”

Applications for sanction to loans.—In connection with proposals by local authorities to raise loans with the sanction of the Local Government Board for carrying out schemes of sewerage and sewage disposal, the remarks on p. 753 as to the formulation and execution of schemes of this kind, and on pp. 755—758 as to the requirements of the Board in regard to such schemes, should be carefully considered. The application for sanction to the loan should be accompanied by the particulars indicated in 1—6 below in all cases, and by those mentioned in 7—12, where applicable to the scheme contemplated:

1. A copy of a resolution of the authority directing the application to be made (a) ;
2. A report by the engineer giving a full description of the proposed scheme ;

NOTE.—The report should contain information on the following points:

- (i) The population of the area to be sewered.
- (ii) The water supply per head per day.
- (iii) The estimated daily dry weather flow of sewage to be dealt with.
- (iv) The character of the sewage, the nature and volume of any trade effluents, and whether the whole of the storm water is to be admitted to the sewers or whether separate drains are to be used for surface water.
- (v) The basis on which the size of the sewers has been calculated.
- (vi) The method of sewage treatment to be adopted.
- (vii) The area of land to be provided.
- (viii) The nature of the sub-soil as ascertained by trial holes sunk at least six feet deep in the middle, corners, and other parts of the land, and its liability to floods.

(a) See also "RESOLUTIONS," p. 8.

- (ix) The capacities and method of working the tanks and filters.
- (x) The construction of any proposed storm overflows.

3. Plans and sections of the proposed works (a) ;

NOTE.—The plans should include :

- (a) An ordnance map on the scale of six inches to a mile showing—
 - (i) The entire boundary of the urban district or contributory place or places affected by a continuous hard line of colour.
 - (ii) The position of all the proposed works (including manholes, lampholes, ventilating shafts, flushing tanks, storm overflows, outfall, and irrigation area) ; and, if the works are to connect with existing sewers, the latter, so far as it is intended to use them, should be shown by distinctive colour. The manholes and lampholes should be numbered on both plans and sections.
 - (iii) The sizes of the proposed sewers.
 - (iv) The levels (in figures) on ordnance datum of the area to be sewered.
 - (v) The names of all streets, rivers, streams, canals, railways, etc., through, along, or under which the sewers will pass.
 - (vi) Any other information which will explain the scheme.
- (b) A large scale plan of the sewage disposal area showing (in figures) spot or surface levels (on ordnance datum) of the land at different parts, bed level, and ordinary and maximum water levels of the stream into which the effluent will pass, top, bottom, and sewage

(a) See also "PLANS," p. 6.

levels of all tanks, filters, etc., level of invert of outfall sewer, and the position of the various works to be constructed on such area. Areas allocated to specific purposes should be shown by distinctive colours, the acreage of each being indicated. A scale of not less than one inch to forty feet will be found suitable in most cases.

- (c) Typical detailed drawings of tanks, pumping stations, filters, storm overflows, manholes, lampholes, flushing chambers, and other special works.

NOTE.—A scale of one inch to eight feet will generally be sufficient for the drawings, which should be fully dimensioned and should clearly show all important levels, *e.g.* inverts of pipes, sewage and effluent levels, top of filtering material, bottom of tanks, filters, channels, top of walls, sill levels, etc.

Care should be taken to comply in all respects with the instructions in regard to the preparation of plans which appear on the face of the official form of estimate for works of sewerage (K, No. 29).

4. A detailed estimate of the cost of the scheme (in Form K, No. 29) ;
5. Particulars (in Form K, No. 2 (a)) as to the assessable value and debt of the district or contributory place ;
6. If any existing works in respect of which there is a loan outstanding will be superseded by the proposed works, the particulars mentioned on p. 160 under the head of "Superseded Works" should be furnished. If no such works will be superseded this should be stated.
7. Information as to whether a provisional agreement has been entered into for the acquisition of any land which may be required for the purposes of the scheme ;

(a) See also "Forms," p. 5.

8. Where the scheme is to be carried out under the Public Health Act, 1875, and any of the proposed works will be situate outside the district of the local authority, the usual proofs of compliance with the provisions of s. 32 of the Act should be forwarded, if the authority are in a position to submit these documents when making the application. If they are not in a position to do this, it should be stated when the notice required by the statute was or will be given, and when it is expected that the necessary documents will be furnished ;
9. In the case of a district abutting on tidal waters, it should be stated (a) whether any of the intended works will be situate below high-water mark, and, if so, whether the consent of the Board of Trade to the construction of such works and any other consents which may be necessary thereto have been obtained, and (b) whether there are any shell fish industries in the locality which might be injuriously affected by the proposed outfall ;

NOTE.—The Local Government Board require to be satisfied that all necessary consents have been obtained before sanctioning loans.

10. If the sewers are to cross a railway or canal, it should be stated whether the consent of the railway or canal company has been obtained thereto ;
11. Where it is proposed to abstract water from a stream for the purpose of flushing the sewers, it should be stated whether all necessary consents to the abstraction of the water have been obtained ;
12. Where the works are required for two or more contributory places in a rural district, copies of the notices of apportionment under s. 229 of the Act of the cost of the works which will be for the *common* benefit of such contributory places, endorsed, in each case, with the date of service on the overseers, should be furnished. If, however, any of the works intended to be carried out will be for the *exclusive* benefit of

any of such contributory places, a detailed statement should be supplied showing how the amount proposed to be borrowed in respect of each contributory place is made up. The statement should distinguish the works intended for the exclusive benefit of the contributory place.

WORKS OUTSIDE DISTRICT.

Statutory provisions.—Sections 32—34 of the Public Health Act, 1875, are in the following terms :

“ 32. A local authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the work is to be made.

“ Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the parishes, and the turnpike roads and streets, and other lands (if any) through across under or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours ; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, and on the trustees, surveyors of highways, or other persons having the care of such roads or streets.”

“ 33. If any such owner, lessee, or occupier, or any such overseer, trustee, surveyor, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the local authority at any time within the said three months, the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as hereinafter mentioned, unless such objection is withdrawn.”

“ 34. The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on

“the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.”

It will be observed that the statute leaves the number of newspapers in which the notice shall be advertised to the discretion of the local authority. One advertisement only would seem to be a sufficient compliance with s. 32, but it will no doubt be desirable, in some cases, to advertise the notice in more than one newspaper. The newspaper or newspapers must circulate within the district where the work is to be executed.

FORM OF NOTICE.

A form for the notice to be advertised under s. 32 is not issued by the Local Government Board; but the following form will be found suitable for the purpose:

The Public Health Act, 1875.
(38 & 39 Vict. c. 55, ss. 32, 33.)

Name of } _____
district. }

Works outside District.

1. Notice is hereby given that the (a) _____

after the expiration of three calendar months from the

(a) Insert name of local authority, e.g. the mayor, aldermen, and burgesses of the borough of _____, acting by the council, or the urban district council of _____, or the rural district council of _____ (as the case may be).

advertisement of this notice intend to carry out the following work (a) :

2. A plan (b) of the intended work is deposited at (c) , where it may be inspected between the hours of a.m. and p.m.

3. And notice is hereby further given that any notice of objection to the intended work under s. 33 of the Act must be in writing, and may be served on the aforesaid local authority at any time within the said three months.

Dated this day of , 190 .

(Signed)

Town Clerk or Clerk to the Council.

NOTE.—The local authority are required to serve a copy of the notice on the owners, lessees, occupiers, overseers, and road authorities concerned (see s. 32).

Applications to Local Government Board.—If a local authority propose to apply to the Board for sanction to a loan under the Public Health Act, 1875, to carry out a scheme involving the construction outside their district of works to which the provisions of s. 32 of the Act apply, they should give the notice required by the section as soon as possible, as it would appear to be the usual practice of the Local Government Board to defer arranging for a local inquiry to be held with regard to the application for sanction to the loan until the time allowed by the statute for the service of objections has expired, in order to avoid the further local inquiry which would be necessary in pursuance of s. 34 of the Act in the

(a) Describe the nature of the intended work outside the district, the intended termini thereof, and the names of the parishes, main roads, and streets and other lands (if any) through, across, under, or on which the work is to be made.

(b) Care should be taken to see that all the works and particulars mentioned in the notice are shown on the plan.

(c) Describe the place of deposit, e.g. the Borough Engineer's Office at the Town Hall, Church Street,

event of any objection being made to the intended work outside the district under s. 33 and not withdrawn.

If, however, for reasons of urgency, in any case in which it is considered improbable that objections will be made to the works, the local authority are anxious that the local inquiry with regard to their application for sanction to the proposed loan should not be delayed, they should, in asking the Local Government Board to arrange for the holding of the inquiry without waiting for the expiration of the time allowed by the statute for the service of objections, explain the grounds of urgency.

Immediately after the expiration of the period allowed for the service of objections, the following proofs of compliance with the provisions of the statute should be forwarded to the Board :

- (i) A statutory declaration, duly stamped with an impressed stamp (*a*), showing that the requirements of s. 32 have been complied with. A copy of the newspaper or newspapers containing the advertisement and a copy of the form of notice served on the owners, lessees, and occupiers, and on the overseers and road authorities (if any) should be annexed to the declaration as exhibits (*b*).
- (ii) A copy of any notice of objection which may have been served on the local authority under s. 33. If no such objection has been made, this fact should be stated in the declaration ; but if any such objection has been made and not withdrawn, a copy of a resolution of the authority requesting the Local Government Board to appoint an inspector to make the inquiry and report contemplated by s. 34 should be furnished.

No form of statutory declaration for this purpose is supplied by the Local Government Board ; but the following form will be found sufficient :—

(*a*) At present, statutory declarations are liable to a stamp duty of two shillings and sixpence.

(*b*) As regards main roads, see s. 11 (12) of the Local Government Act, 1888.

FORM OF STATUTORY DECLARATION.



The Public Health Act, 1875.
(38 & 39 Vict. c. 55, ss. 32, 33.)

I (a) _____

do solemnly and sincerely declare as follows:—

1. Notice of the intention of the (b) _____

to execute certain work without their district was advertised on the _____ day of _____, 190 , in the (c) _____, being a local newspaper circulated within the district where the said work is to be carried out.

2. The said notice described the nature of the intended work, and stated the intended termini thereof, the names of the parishes and the main roads and streets and other lands (if any) through, across, under, or on which the work is to be made, and named a place where a plan of the intended work was open to inspection at all reasonable hours.

3. A copy of the said newspaper is hereunto annexed and marked "A."

4. A plan of the intended work was deposited at the (d) _____

on the _____ day of _____, 190 , and the

(a) Insert name and description of declarant, *e.g.* John Jones, clerk to the urban district council of _____.

(b) Insert name of local authority, *e.g.* mayor, aldermen, and burgesses of the borough of _____, acting by the council, or the urban district council of _____, or the rural district council of _____.

(c) Insert name of newspaper.

(d) State place of deposit.

said plan has, to the date of this declaration, continuously remained there open to inspection during the hours mentioned in the said notice.

5. On the day of , 190 , a copy of the said notice was served on the under-mentioned owners or reputed owners, lessees or reputed lessees, occupiers, and overseers, etc.—

I. OWNERS OR REPUTED OWNERS.

II. LESSEES OR REPUTED LESSEES.

III. OCCUPIERS.

IV. OVERSEERS.

V. ROAD AUTHORITIES.

These being all the owners or reputed owners, lessees or reputed lessees, occupiers, overseers, and road authorities affected.

6. A copy of the Form of Notice so served is hereunto annexed and marked "B."
7. Notices of objection to the intended work were served on the said local authority within the statutory period by

and have not been withdrawn. A copy of each of the said notices of objection is hereunto annexed and marked "C";

[or]

No notice of objection to the intended work was served on the said local authority within the statutory period.

And I make this solemn Declaration conscientiously believing the same to be true; and by virtue of the Statutory Declarations Act, 1835.

Declared at	,	} (Signature of Declarant.)
in the county of	,	
this day of	,	
190 .	,	

Before me

A Justice of the Peace
or
A Commissioner of Oaths.

COMMUNICATION OF SEWERS WITH THOSE OF ADJOINING DISTRICT.

1. Statutory provision.—Section 28 of the Public Health Act, 1875, enacts as follows:—

“The local authority of any district may, by agreement with the local authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the local authorities, or, in case of dispute, may be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority.”

2. Jurisdiction of Local Government Board.—The sanction of the Local Government Board is not required under this enactment to the terms of any agreement which may be entered into between the local authorities in this matter, but only to the communication of the sewers. Where, however,

the local authorities cannot agree as to the manner, terms, and conditions in, on, and subject to which the communication shall be made, the Board are empowered to settle the terms, etc. An agreement should not provide for the determination of differences or questions arising thereunder by the Local Government Board as they object to undertake functions of this kind under such agreements.

It is doubtful whether the Board would sanction a communication of sewers which involved the treatment of the sewage at an outfall where the existing sewage disposal arrangements are unsatisfactory, or where the works are inadequate to deal with the additional volume of sewage proposed to be conveyed to the outfall.

3. Application for sanction to communication of sewers.—

An application by a local authority for the sanction of the Local Government Board to the communication of their sewers with the sewers of the local authority of an adjoining district should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made ;
- (2) A map (*a*) showing clearly (i) the area the sewage of which is to be conveyed into the sewers of the adjoining district, (ii) the sewers which are to communicate with those of the adjoining district, and (iii) the point of communication ;

NOTE.—An ordnance map on the scale of six inches to a mile will generally be found most convenient for this purpose.

- (3) A statement of the number of houses and the estimated population of such area ; and
- (4) A copy of the agreement which has been entered into by the two local authorities.

If the communication of sewers forms part of a scheme of sewerage in respect of which it is proposed with the sanction

(*a*) See also "PLANS," p. 6.

of the Local Government Board to raise a loan, the particulars usually required in connection with an application for sanction to borrow money for the execution of works of sewerage should be forwarded to the Board at the same time.

4. Application for settlement of terms, etc.—Where local authorities have agreed that there shall be a communication of their sewers (and this is an essential preliminary step), but cannot agree as to the manner, terms, and conditions in, on, and subject to which the communication shall be made, an application should be made to the Local Government Board to settle the dispute.

Any such application should be accompanied by—

- (1) A formal agreement between the local authorities concerned that (subject to the sanction of the Local Government Board) there shall be a communication of their sewers ; and
- (2) A joint statement under the seals of both local authorities setting out the precise points in dispute and requesting the Board to settle the differences under s. 28 of the Public Health Act, 1875.

MISCELLANEOUS.

Loans for house connections with sewers.—In connection with an application by a local authority for the sanction of the Local Government Board to a loan for the purpose of connecting house drains with sewers, it should be distinctly stated whether the authority are proceeding under s. 23 or s. 24 of the Public Health Act, 1875, or under s. 18 (3) of the Public Health Acts Amendment Act, 1890.

Where the local authority are proceeding under s. 23 of the first-mentioned Act, the application should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (a) ;
- (2) A typical plan of the proposed connections (b) ;

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

- (3) A statement showing how the amount which it is desired to borrow is made up ;

NOTE.—The statement should contain information as to (a) the total number of houses the drains of which are to be connected with the sewers, (b) the actual number of connections to be made, and (c) the average cost of each connection.

Details should be supplied of the average cost of one connection.

- (4) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the district (or contributory place) ;
- (5) A tabular list of the cases (giving the name of street, number of house, and name of owner) in which notices have been served under the section and have not been complied with within the time allowed ; and
- (6) Information as to the time proposed to be allowed to the owners for the repayment of the expenses.

Where the local authority are proceeding under s. 24 of the Act of 1875, the particulars indicated in (1)—(4) in the preceding paragraph should be furnished. These particulars, together with a list of the cases in which agreements have been made and information as to when and how the enactment was put in force, should also be forwarded where the local authority are proceeding under s. 18 (3) of the Public Health Acts Amendment Act, 1890. That enactment, it may be pointed out, is only in force where Part III. of the Act has been adopted by a town council or urban district council, or by a rural district council (so far as that Part is applicable to rural authorities ; or where, in the case of a rural district, it has been put in force by an Order of the Local Government Board in pursuance of s. 5 of the Act.

Questions in Parliament.—The following replies to questions in the House of Commons contain some useful information on the subject of the disposal of sewage.

[27th May, 1903.]

Mr. John Wilson (Durham).—To ask the President of the Local Government Board, whether he will give a return showing the number of sewage schemes by artificial process alone, the names of the authorities, with the amount of loan in each case.

Mr. Long.—In consequence of the recommendation made by the Royal Commission on Sewage Disposal in their interim report the Local Government Board have in some special cases made an exception to their ordinary rule, and have sanctioned loans for schemes of the kind referred to without requiring that the sewage shall be applied to land.

The names of the authorities in these cases and the amount of the loans sanctioned are as follows :—

	£
Easington Rural District Council	7,000
Gorton Urban District Council	21,519
Pontefract Town Council	15,506
Blackwell Rural District Council	6,840
Heywood Town Council	21,500

I have of course not included in this statement cases in which the sewage is discharged directly into the sea or into tidal rivers.

[16th June, 1903.]

Sir John Rolleston.—To ask the Secretary of State for the Home Department, whether his attention has been called to explosions of septic tanks at Exeter during the experimental stages, at Walton-on-Naze in December last, and at Sheringham in Norfolk on the 1st May last, the last of which caused the death of three people and injuries to several others; and, if so, whether, in view of the number of septic tanks erected throughout the country, he will consider the advisability of making these tanks subject to a special licence.

Mr. Long (President of the Local Government Board).—My right honourable friend has asked me to answer this question.

I am aware of the unfortunate explosion at Sheringham, and I have received some information as to the other two cases referred to.

The Royal Commission on Sewage Disposal are at present investigating the various methods and appliances for the disposal of sewage, including septic tanks; and I understand they have caused special inquiry to be made into the circumstances of the accident at Sheringham.

Legislation would be necessary to give effect to the suggestion contained in the question, but it would seem to be desirable to await the report of the commission before determining whether any legislation should be undertaken on the subject.

[25th February, 1903.]

Sir Joseph Dimsdale.—To ask the President of the Local Government Board, whether his attention has been called to a recent report of the medical officer of health for the city of London on shell fish and sewage; and whether he will take any, and if so, what, action in the matter.

Mr. Long.—Yes, my attention has been called to this report.

The Royal Commission on Sewage Disposal are taking evidence and making investigations on the subject of dangerous contamination of shell fish by sewage, with a view to ascertaining the measures necessary for obviating risk to the public health from this cause. I have caused to be sent to the commission a copy of the report referred to, and of other reports relating to this matter.

[14th July, 1905.]

Colonel Legge.—To ask the First Lord of the Treasury, if he can give any information as to when the report of the Royal Commission on Sewage Disposal may be expected.

Mr. Balfour.—I am informed that the commission hope to issue a report this year dealing with the relative merits of different methods of sewage disposal and certain other questions.

I understand, however, that it cannot be stated at present when the final report will be issued.

[10th June, 1907.]

Sir Frederick Banbury.—To ask the President of the Local Government Board whether it is the intention of the Government to introduce a bill, dealing with the recommendation of the Royal Commission on Sewage Disposal.

Mr. John Burns.—As I stated on Friday last in answer to a question by the honourable member for the Eccleshall Division, I cannot hold out any expectation that I could introduce a bill on the subject during the present session.

PART LVIII.—SHELTER FOR OCCUPANTS OF INFECTED HOUSES.*

Power of authorities to provide.—Section 15 of the Infectious Disease (Prevention) Act, 1890 (53 & 54 Vict. c. 34) requires a local authority from time to time to provide, free of charge, temporary shelter or house accommodation, with any necessary attendants for the members of any family in which any infectious disease has appeared who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected by the local authority.

The expression "local authority" as used in this section includes any town council, urban district council, or rural district council who have adopted the Act, or this section of the Act. The section, so far as it was applicable to districts within the administrative county of London, was repealed by s. 142 and the fourth schedule of the Public Health (London) Act, 1891; and fresh provisions on the subject to the same effect were made by s. 60 (4) of the latter Act as regards sanitary authorities in London, which now include the metropolitan borough councils and the common council of the city of London.

Where s. 61 of the Public Health Acts Amendment Act, 1907, has been put into force, the local authority may exercise the powers of s. 15 of the Act of 1890, as extended by the Act of 1907, whether the section has or has not been adopted in the district.

Borrowing powers.—The Infectious Disease (Prevention) Act, 1890, does not expressly authorise the borrowing of money by a local authority for the purpose of providing

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. ii. pp. 436—463. "Encyclopædia of Forms and Precedents," vol. x. p. 401 *et seq.*

temporary shelter for occupants of infected houses under s. 15 of that Act; and the Local Government Board take the view that the borrowing power conferred upon a local authority by s. 233 of the Public Health Act, 1875, is not available for the purpose.

Where, however, s. 61 of the Act of 1907 is in force, a local authority have power with the sanction of the Local Government Board to borrow for the purpose. Metropolitan borough councils (as successors to vestries and district boards under s. 4 (1) of the London Government Act, 1899), are empowered to borrow for the purpose by s. 105 (2) of the Public Health (London) Act, 1891, as extended by s. 32 of the London County Council (General Powers) Act, 1896 (59 & 60 Vict. c. 188), which provides that—

“The purposes for which under s. 105 (2) of the Public Health (London) Act, 1891, vestries of parishes and boards of works for districts under the Metropolis Management Act, 1855, and the Acts amending the same and also the Woolwich Local Board are empowered to borrow shall extend to and include the purposes of providing shelter or house accommodation for persons removed from their homes in case of infectious disease.”

Period for repayment of loans.—A period of thirty years is usually allowed by the Local Government Board for the repayment of loans for the provision of accommodation of this character in cases in which the money is to be borrowed under the London County Council (Money) Acts or other enactments requiring their consent to the period for repayment (a).

Application for sanction to loan.—An application by a local authority outside London for the consent of the Local Government Board to the borrowing of money for the erection of a building for the purpose of providing accommodation for occupants of infected houses, should give a reference to the date of the order (if any) of the Board vesting them with the powers of s. 61 of the Public Health Acts Amendment Act, 1907, and should be accompanied by—

(a) See also remarks on p. 129.

- (1) A copy of a resolution of the council directing the application to be made (*a*) ;
- (2) Plans, sections, and elevations of the proposed building, and a plan showing the site and its relation to surrounding lands and buildings (*b*) ;
- (3) A detailed estimate of the cost of the scheme (*c*) ;
- (4) Information as to whether a provisional agreement has been entered into for the purchase of the site. If the site already vests in the council it should be stated when, under what statutory authority, and for what purpose, the land was acquired ; and
- (5) Particulars in Form K, No. 2, as to assessable value and existing debt of the district (*d*).

An application by a metropolitan borough council should be accompanied by the particulars (1) to (4) above, together with a return (in tabular form) showing the rateable value of the borough, the several loans contracted by the borough council and their predecessors, and not yet wholly repaid, the precise purpose of each loan, the period allowed for repayment, the date of borrowing of each loan or instalment of a loan (where the loan has been raised by instalments), the particular method of repayment, and the total amount already repaid or set aside for the discharge of each loan (*e*).

(*a*) See also "RESOLUTIONS," p. 8.

(*b*) See also "PLANS," p. 6.

(*c*) A form is not provided by the Local Government Board for this purpose.

(*d*) See remarks as to "FORMS," p. 5.

(*e*) Form K, No. 2, could be adapted for the purpose.

PART LIX.—SLAUGHTER-HOUSES.*

Statutory provisions.—The principal statutory provisions of the general law conferring powers on local authorities in England and Wales (outside London) in relation to the provision and control of slaughter-houses are contained in the under-mentioned enactments :—

PUBLIC HEALTH ACT, 1875 (ss. 169, 170) ;

TOWNS IMPROVEMENT CLAUSES ACT, 1847 (ss. 125—131, which are incorporated with the Public Health Act, 1875, by s. 169 of that Act ; and

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (ss. 29, 30, 31).

Under s. 169 of the Public Health Act, 1875, a town council or urban district council are empowered to provide public slaughter-houses and to make byelaws with respect to the management and charges for use of such slaughter-houses, whilst the incorporated provisions of the Towns Improvement Clauses Act, 1847, give them power to regulate private slaughter-houses and knackers' yards. Section 170 of the Act of 1875 requires the owner or occupier of any slaughter-house licensed or registered under the Act to affix a notice on the premises to the effect that it is a licensed or registered slaughter-house.

Section 29 of the Act of 1890 enables an urban authority to fix a period (not being less than one year) for the duration of licences granted by them. Section 30 provides for the notification of change of occupation of a registered or licensed slaughter-house, and s. 31 empowers a court of summary jurisdiction to revoke the licence on the conviction of the occupier for sale or possession of meat unfit for food. These sections are, however, only in force where Part III. of the Act of 1890 has been adopted by the urban authority or where they have

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. vi. pp. 368—373. "Encyclopædia of Forms and Precedents," vol. x., pp. 382—391.

been put in force in a rural district by an Order of the Local Government Board in pursuance of s. 5 of that Act.

Local authorities in London are not empowered under the general law to provide public slaughter-houses, but they are vested with certain powers with respect to the regulation of private slaughter-houses under ss. 16, 19, 20, 47, and 141 of the Public Health (London) Act, 1891.

Powers of rural district council.—A rural district council do not possess any powers with respect to the provision and regulation of slaughter-houses, unless they have been invested by the Local Government Board with the requisite urban powers under s. 276 of the Public Health Act, 1875, and s. 5 of the Public Health Acts Amendment Act, 1890.

It is the usual practice of the Local Government Board to limit the grant of urban powers under s. 169 of the Public Health Act, 1875, to the second and third paragraphs of that section, and to give the powers of s. 170 in conjunction therewith. In a circular letter of the Local Government Board, dated 20th March, 1908, it is stated that the Board do not regard the first paragraph of s. 169, which enables an authority to provide slaughter-houses, as generally suitable to a rural district.

Accordingly, unless there are exceptional circumstances which render it desirable that the rural district council should be invested with the powers of the first paragraph of s. 169, the application for the powers of an urban authority under the Public Health Act, 1875, in regard to slaughter-houses, should be limited to the second and third paragraphs of that section, but should extend also to s. 170; and it should be restricted to contributory places in which slaughter-houses have been or are likely to be established in the near future. The application should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made;

NOTE.—The resolution should specify the precise enactments which contain the powers desired and the names of the contributory places for which the powers are sought.

- (2) A statement showing, as regards each contributory place in which slaughter-houses have been established, the number of such slaughter-houses ; and
- (3) A brief statement of the grounds on which the application is made with respect to each contributory place.

The council should, before applying for powers, consider the desirability of extending their application to the provisions of ss. 29—31 of the Public Health Acts Amendment Act, 1890. These sections can only be made operative where the rural district council possess the powers of the second paragraph of s. 169 of the Public Health Act, 1875, with respect to the licensing of slaughter-houses.

Borrowing powers.—The borrowing of money by a local authority under the Public Health Act, 1875, for the purpose of providing public slaughter-houses is subject to the provisions of ss. 233 and 234 of that Act, which (*inter alia*) require the sanction of the Local Government Board to be obtained thereto.

Periods for repayment of loans.—The periods usually allowed by the Local Government Board for the repayment of loans in connection with the provision of slaughter-houses are—

LAND (purchase of freehold)	.	.	.	60 years.
BUILDINGS	.	.	.	30 „

Application for sanction to loan.—An application by a town council or urban district council, or by a rural district council who have been invested with the powers of the first paragraph of s. 169 of the Public Health Act, 1875, for the sanction of the Local Government Board to the borrowing of money for the purpose of providing a public slaughter-house, should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (a) ;

(a) See also "RESOLUTIONS," p. 8.

- (2) A map of the district showing by colour the position of the site, a plan of the site and its surroundings (on a larger scale), and plans, sections, and elevations of the proposed building (including a block plan showing the drainage arrangements) (a) ;

NOTE.—The plans should comply with the rules as to site and structure contained in the memorandum of the Local Government Board, dated November, 1900, which is prefixed to the published copies of the model byelaws of the Board as to slaughter-houses. Regard should also be had to the recommendations of the committee on the "Humane Slaughtering of Animals." For further particulars as to this report, see p. 787.

- (3) A certificate by the surveyor of the authority that the plans comply in all respects with the building byelaws in force in the district ;
- (4) A detailed estimate of the cost of the scheme (b) ;
- (5) Particulars (in Form K, No. 2) as to the assessable value and debt of the district (c) ; and
- (6) Information as to whether a provisional agreement has been entered into for the acquisition of the site. If, however, the site already vests in the local authority, it should be stated when, for what purpose, and under what statutory authority it was acquired. If the land was purchased by means of a loan, particulars as to the loan should be supplied.

Loans sanctioned.—The annual reports of the Local Government Board show that a good many loans have been sanctioned by them for purposes connected with the provision of public slaughter-houses. In the two years ended 31st December, 1906, loans were sanctioned for such purposes to the councils of the under-mentioned districts :

(a) See also "PLANS," p. 6.

(b) See also "ESTIMATES," p. 4. No form for this purpose is provided by the Board.

(c) See also "FORMS," p. 5.

I. BOROUGHs.

Clitheroe, Croydon, Newbury, and South Shields.

II. URBAN DISTRICTS (other than Boroughs).

Caerphilly, Lytham, St. Annes-on-Sea, Scunthorpe, and
Whitley and Monkseaton.

III. RURAL DISTRICT.

Glendale (Wooler contributory place).

Byelaws.—The following remarks should be read in conjunction with the general instructions on p. 200 *et seq.*, as to the manner in which applications should be made to the Local Government Board for their confirmation or allowance of byelaws and regulations.

Power to make byelaws with respect to slaughter-houses is conferred on an urban authority (*i.e.* a town council or urban district council) by s. 169 of the Public Health Act, 1875, and s. 128 of the Towns Improvement Clauses Act, 1847, which is incorporated therewith.

Byelaws for this purpose can only be made by a rural district council with regard to an area in respect of which they have been invested by an Order of the Local Government Board with the powers of an urban authority under the enactments referred to. For further information on this point, see p. 788.

A model series of byelaws for the regulation of private slaughter-houses under s. 128 of the Act of 1847 has been framed by the Local Government Board and placed on sale, viz.:—

Series VI.—Slaughter-Houses. [8vo. 1902 (reprinted 1906). Price 2d. (a)]

A memorandum of the Board, dated November, 1900, is prefixed to the published copies, containing observations as to the nature and extent of the powers of an urban authority with regard to slaughter-houses, the scope of the model byelaws, and the rules as to site and structure which should influence

(a) Supplied by Messrs. Shaw & Sons, Fetter Lane, London, E.C.

the decision of the authority upon each application for a licence. The remarks contained in the circular letter (a) of the Board, dated 20th March, 1908, to which more particular attention is drawn under the next sub-head, should also receive the careful consideration of local authorities proposing to make byelaws on this subject.

It would appear from Appendix E to the Report of the Committee on the Humane Slaughtering of Animals, which contains a memorandum handed in by Mr. H. C. Monro, C.B., an assistant secretary of the Local Government Board, that while no separate model series has been issued by the Board with respect to the management and charges for the use of any slaughter-houses provided under the first paragraph of s. 169 of the Act of 1875, the byelaws made under that provision usually follow closely the model for private slaughter-houses. According to the 36th Annual Report of the Board such byelaws were confirmed by them in 1906 in the cases of the borough of Pwllheli and the urban district of Scunthorpe.

A series of byelaws, made by the town council of Huddersfield for regulating knackers' yards under s. 128 of the Act of 1847 was confirmed by the Board in 1902.

In any case in which draft byelaws are submitted by a rural district council to the Local Government Board for their preliminary approval, a reference should be given to the date of the Order of the Board putting the necessary urban powers in force in the area for which the byelaws are proposed to be made.

Committee on Humane Slaughtering of Animals.—A committee was appointed in January, 1904, at the instance of the Board of Admiralty to ascertain the most humane and practicable methods of slaughtering animals for human food and to investigate and report upon the existing slaughter-house system.

The proceedings and report of the committee are embodied in the under-mentioned parliamentary papers (a) :—

(a) Copies may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

Report; with appendix and plans. [*Cd.* 2,150. 1904.
Price 1s. 3d.]

Minutes of Evidence; with plan. [*Cd.* 2,151. 1904.
Price 9d.]

The general recommendations of the committee in regard to the design of slaughter-houses were briefly as follows :—

- (i) The animals awaiting slaughter should be spared, as far as possible, from any contact with the sights or smells of the slaughter-house itself.
- (ii) The waiting-pens should be separated from the slaughter-chamber, and the latter should be shut off by sliding doors. The pitch of the floor and the drainage of the slaughter-chamber should be away from and not run into the waiting-pens.
- (iii) The floor of the slaughter-chamber, whilst necessarily impervious, should not be slippery.
- (iv) Cattle should, when possible, be slaughtered screened off from their fellows.
- (v) Immediately after the carcasses have been bled, they should be moved on to and dressed in an adjoining room, screened off from the view of animals entering the slaughter-chamber.

On 20th March, 1908, the Local Government Board issued a circular letter drawing the attention of urban and rural authorities to the report of the above committee, and especially to certain recommendations of that committee to methods of slaughter, and intimating their willingness to consider applications for the confirmation of various byelaws with a view to the carrying out, as far as possible, of those recommendations (*a*).

(*a*) Copies of the circular may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

PART LX.—SMALL DWELLINGS ACQUISITION ACT, 1899.*

Synopsis of Act.—The Small Dwellings Acquisition Act, 1899 (62 and 63 Vict. c. 44) was passed for the purpose of facilitating the acquisition of the ownership of small houses by enabling local authorities to advance part of the purchase money. It applies to England and Wales, and with modifications to Ireland and Scotland also.

GENERAL EFFECT.

It empowers a local authority within the meaning of the Act to advance money, subject to certain limitations and conditions, to a resident in any house within their district to enable him to acquire the ownership of that house (s. 1 (1)).

LOCAL AUTHORITIES.

The local authorities for the purposes of the Act in England and Wales are:

- (a) County councils.
- (b) Councils of county boroughs.
- (c) Councils of non-county boroughs, other urban districts, and rural districts to the exclusion of any other authority, on the council passing a resolution undertaking to act under the statute, except where the district contained, according to the last census for the time being, a population of less than 10,000, in which case the consent of the county council to the resolution is necessary. Provision is made for an appeal to the Local Government Board against the refusal or failure of the county council to give consent.

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 420—424; vol. iv. pp. 202, 221 *et seq.* "Encyclopædia of Forms and Precedents," vol. i. pp. 492—496.

- (d) Metropolitan borough councils and the Common Council of the City of London; but when any of these authorities undertake to act under the Act the jurisdiction of the London County Council in the area of the undertaking council ceases.

Where the council of an urban or rural district becomes the local authority for the purposes of the Act, all the powers, rights, and liabilities of the county council in respect of advances already made by them will vest in the council of such urban or rural district, subject to the payment by that council to the county council of the outstanding principal and interest of any such advance (s. 9 (2)).

AMOUNT OF ADVANCE.

Any advance by a local authority must not exceed—

- (a) Four-fifths of the amount which, in the opinion of the authority, represents the market value of the ownership; nor
(b) £240; or, in the case of a fee simple or leasehold of not less than 99 years unexpired at the date of the purchase, £300;

and an advance is not to be made where, in the opinion of the authority, the market value of the house exceeds £400 (s. 1 (1)).

PRELIMINARY CONDITIONS.

Before making an advance, the local authority must be satisfied—

- (a) That the applicant for the advance is resident or intends to reside in the house, and is not already the proprietor (as defined by s. 10 (3)) within the meaning of the Act of a house to which the statutory conditions apply;
(b) That the value of the ownership of the house is sufficient;
(c) That the title to the ownership is one which an ordinary

- (d) That the house is in good sanitary condition and good repair; and
- (e) That the repayment to the local authority of the advance is secured by an instrument vesting the ownership (including any interest already held by the purchaser) in the local authority subject to the right of redemption by the applicant, but such instrument shall not contain anything inconsistent with the provisions of the Act (s. 2).

REPAYMENT OF ADVANCES.

Every advance must be repaid with interest within such period not exceeding thirty years from the date of the advance, as may be agreed upon (s. 1 (2)); and the interest is to be at such rate as may be agreed upon, but not exceeding ten shillings (that is one-half per cent.) above the rate at which the local authority can at the time borrow the money from the Public Works Loan Commissioners (s. 1 (3)). As to the rates of interest charged by those Commissioners, see *ante*, pp. 156, 157.

As to the method of repayment, s. 1 (4) provides that the repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined, and all payments on account of principal or interest are to be made either weekly or at any periods not exceeding a half-year, as may be agreed (s. 1 (4)).

It will be observed that, subject to the limitations and conditions mentioned above, the period for repayment, rate of interest, and method of repayment are matters for agreement between the applicant and the local authority.

Section 1 (5) provides for the earlier repayment of the outstanding principal of the advance.

STATUTORY CONDITIONS ON WHICH HOUSE IS TO BE HELD.

Where the ownership of a house has been acquired by means of an advance under this Act, the house will, until such

advance with interest has been fully paid, or the local authority have taken possession or ordered a sale under the Act, be held subject to the following conditions (referred to as "the statutory conditions") :—

- (a) Every sum for the time being due in respect of principal or interest must be punctually paid ;
- (b) The proprietor of the house must reside in the house, except in the special circumstances and for the period mentioned in s. 7 (1) ;
- (c) The house must be kept insured against fire to the satisfaction of the local authority, and the receipts for the premiums produced when required by them ;
- (d) The house must be kept in good sanitary condition and good repair ;
- (e) The house must not be used for the sale of intoxicating liquors, or in such a manner as to be a nuisance to adjacent houses ;
- (f) The local authority shall have power to enter the house by any person, authorised by them in writing for the purpose, at all reasonable times for the purpose of ascertaining whether the statutory conditions are complied with (s. 3 (1)).

Section 7 (2) and (3) provide for the suspension of the condition as to residence in certain circumstances.

Means for enforcing compliance with the statutory conditions are provided by s. 3 (3), (4), (5).

TRANSFER OF PROPRIETOR'S INTEREST.

The proprietor of a house may, with the permission of the local authority (which is not to be unreasonably withheld), at any time transfer his interest in the house, but any such transfer is to be made subject to the statutory conditions (s. 3 (2)). The permission of the local authority is not, however, required to any charge on that interest made by the proprietor, so far as the charge does not affect any rights or powers of the authority under the Act (s. 4 (2)).

PROCEDURE WHERE LOCAL AUTHORITY TAKE POSSESSION OF HOUSE OR ORDER SALE.

The Act defines the powers and procedure of the local authority where they take possession of a house (s. 5) and where they order the sale of a house without taking possession (s. 6).

REGISTER OF ADVANCES.

The local authority are required to keep a register of advances giving details thereof, which is to be kept open at their office during office hours free of charge (s. 8).

EXPENSES OF LOCAL AUTHORITIES.

The expenses of local authorities in the execution of the Act are to be paid as follows :—

- (i) In the case of a county council, out of the county rate ;
- (ii) In the case of the council of a county borough, out of the borough fund or borough rate ;
- (iii) In the case of the council of an urban district (including a non-county borough) or of a rural district, out of any fund or rate applicable to the general purposes of the Public Health Acts, but no sum is to be raised in any urban or rural district the council of which has become the local authority for the purposes of the Act on account of the expenses of a county council under the Act (s. 9 (3)) ; and
- (iv) In the case of a metropolitan borough council out of the general rate, and in the case of the Common Council of the City of London out of the general rate (s. 9 (10) and s. 15 of the City of London (Union of Parishes) Act, 1907).

Section 9 (4), which prohibits the making of further advances or a time in certain circumstances, provides that if in any local financial year the expenses payable by a council and not reimbursed by the receipts under the Act exceed—

- (a) in a county a sum equal to $\frac{1}{2}d.$; or
- (b) in a county borough or urban or rural district a sum equal to a $1d.$;

or the pound upon the rateable value of the county, county

borough, or district, deducting in the case of a county the rateable value of any urban or rural district in the county, the council of which have become a local authority under the Act, no further advance is to be made by that council until the expiration of five years after the end of that financial year or if those expenses at that date exceed one halfpenny or one penny in the pound, as the case may be, on the rateable value for the time being, until they fall below such sum.

Separate accounts of the receipts and expenditure of the local authority under the Act are to be kept (s. 9 (9)).

BORROWING AND DISPOSAL OF CAPITAL MONIES.

The Act also empowers local authorities to borrow money for the purposes thereof (s. 9 (5), (6), (10)), authorises the Public Works Loan Commissioners to lend (s. 9 (7)), and provides for the disposal of capital monies received or retained by a local authority under the Act (s. 9 (8)). The provisions as to borrowing and application of capital monies are more fully explained under the sub-heads "Borrowing Powers" and "Disposal of Capital Monies," *post*.

Appeal against refusal of county council to consent to resolution to act.—Sub-section (1) of s. 9 of the Act provides for an appeal being made to the Local Government Board in certain cases where the county council refuse or fail to give their consent to a resolution of a council undertaking to act under the statute.

An appeal to the Local Government Board under this provision should be accompanied by—

- (1) A copy of a resolution of the council directing the appeal to be made ;
- (2) A copy of the resolution passed by the council undertaking to act under the Act ;
- (3) A copy of the correspondence between the council and the county council on the subject ; and
- (4) Information as to the population of the district according to the last census.

Borrowing powers.—The provisions of the Act with respect to the borrowing of money by local authorities are contained in sub-ss. (5), (6), and (10) of s. 9. Sub-s. (10), which relates to the borrowing of money by local authorities in London for the purposes of the Act, makes such borrowing subject to the provisions of the Metropolis Management Acts; and sub-s. (5) provides that a local authority may borrow for the purposes of this Act in like manner as they may borrow, in the case of a county council, for the purposes of the Local Government Act, 1888, and in the case of the council of a county borough for the purpose of s. 106 of the Municipal Corporations Act, 1882, and in the case of an urban or rural district council for the purpose of the Public Health Acts.

It will thus be seen that borrowing—

- (a) By a county council is subject to the consent of the Local Government Board under s. 69 of the Local Government Act, 1888;
- (b) By the council of a county borough is subject to the approval of the Local Government Board under s. 106 of the Municipal Corporations Act, 1882, as amended by s. 72 of the Local Government Act, 1888; and
- (c) By the council of an urban district (including a non-county borough) or of a rural district is subject to the sanction of the Local Government Board under s. 233 of the Public Health Act, 1875.

Application for sanction to loan.—An application by a local authority to the Local Government Board for their sanction to a loan for the purposes of the Small Dwellings Act, 1899, should be accompanied by the under-mentioned particulars—

- (i) In the case of a *county council*, by the particulars indicated in Form K, No. 136;
- (ii) In the case of the *council of a county borough*, by those indicated in Form K, No. 137; and
- (iii) In the case of any other council, by those indicated in Forms K, No. 138, and K, No. 2.

Copies of these forms are supplied by the Board on request.

Where the borrowing is subject to the provisions of the Public Health Act, 1875, that is to say, in the cases of councils of urban districts (other than county boroughs) and of rural districts, and the debt of the district under the Sanitary Acts and the Public Health Act, 1875, exceeds the assessable value for one year of the premises assessable within the district, a local inquiry, precedent to sanction being given to the proposed loan by the Local Government Board, is a statutory necessity by virtue of s. 234 (3) of the last-mentioned Act.

In order to obviate the necessity of frequent local inquiries in such cases, it is the practice of the Local Government Board to suggest that the local authority should not limit their application to the amount actually required at the time for advances to applicants, but should, as soon as any application for an advance has been received, apply for sanction to borrow a round sum, sufficient to cover prospective requirements for some time, upon which local inquiry would be directed. The Board would then be in a position, if they saw fit, without the necessity of any further inquiry, to sanction from time to time the borrowing of such sums as might be required until the whole amount as to which inquiry had been held had been sanctioned.

Disposal of capital monies.—Sub-section (8) of s. 9 of the Act provides that any capital money received or retained by a local authority in payment or discharge of any advance under this Act, or in respect of the sale or other disposal of any house taken possession of under this Act, shall be applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose to which capital money may be applied.

An application for the sanction of the Local Government Board under this enactment should be accompanied by—

- (1) A copy of a resolution of the local authority directing it to be made ;

NOTE.—The resolution should specify the amount of the capital money.

- (2) A statement of the circumstances under which the money was received or retained by the local authority.
- (3) Particulars of any loan out of which the advance was made. If the loan was advanced by the Public Works Loan Commissioners this should be stated ; and
- (4) Full information as to the proposal of the local authority with regard to the application of the capital money. If the money is intended to be applied in repayment of debt, it should be stated whether the lender of the loan to the repayment of which the money is to be applied is willing to receive the money or can be required to accept repayment at short notice. If, however, the money is to be applied in carrying out works, plans and detailed estimates of the cost of such works, and information as to the statutory authority under which the works are to be executed should be furnished.

Where, in the latter case, the money to be applied is insufficient to cover the entire cost of the works, it should be explained how the balance is to be met ; and, if the local authority intend to raise a loan with the sanction of the Local Government Board to defray the remainder of the cost, it would seem convenient that the application to the Board for sanction to the loan required should be made at the same time. In such a case, the particulars usually required to be forwarded in connection with an application for sanction to a loan for such works as those contemplated should also be submitted.

Action taken under Small Dwellings Act, 1899.—The following questions and replies in Parliament are interesting as showing the extent to which this statute has been acted upon.

[*House of Commons.* 27th July, 1905.]

Dr. Macnamara.—To ask the President of the Local Government Board, whether he can state separately for the

years 1900, 1901, 1902, 1903, and 1904, how many applications in each year have been made to local authorities in England and Wales for loans for the purpose of acquiring the ownership of small dwelling-houses under the Small Dwellings Acquisition Act of 1899; how many such loans have been made in each year; and what amount has been advanced in each year.

Mr. Gerald Balfour.—As regards London, I am informed by the London County Council that the total number of applications received by them during the years 1900—1904, inclusive, was thirteen, and that the total amount advanced was £1,500.

As regards the rest of England and Wales, the only information in my possession relates to cases of applications made by local authorities to the Local Government Board for sanction of loans. The total number of these applications for the years referred to was eighty-two, and the total amount sanctioned was £74,244.

The figures for each year separately cannot conveniently be given in an oral reply, but I shall be happy to send them to the honourable member if he desires it.

NOTE.—It would appear from the reply to the next question that three at least of the applications made to the London County Council were either refused or withdrawn.

[*House of Commons.* 2nd May, 1906.]

Mr. Sears.—To ask the President of the Local Government Board, if he will state the total number of advances made by local authorities under the Small Dwellings Act, 1899, to the present time, distinguishing those in the county of London and the rest of the kingdom.

Mr. John Burns.—As regards London, I am informed that the total number of advances made by the county council under the Act up to the end of 1905 was ten

Advances have, I believe, also been made by some of the metropolitan borough councils, but I do not know the number.

As regards England and Wales, excluding London, the only information in my possession relates to cases of application by local authorities to the Local Government Board for sanction to loans under the Act. The total number of these applications up to the end of 1905 was ninety-seven.

[*House of Commons.* 17th February, 1908.]

Mr. Helme.—To ask the President of the Local Government Board, whether he can state how many persons have taken advantage of the provisions of the Small Dwellings (Acquisition) Act, 1899, since it came into operation; and how many loans under the Act have been granted, respectively, in London and in the country.

Mr. John Burns.—As regards London the County Council have granted thirteen applications for advances under the Act, the amount advanced being £2,450. They have also sanctioned loans by the metropolitan borough councils of sums amounting to £5,195 for twenty-seven advances.

As regards the rest of England and Wales the Local Government Board have sanctioned loans amounting to £108,716 for advances under the Act. This sum is made up of £98,470, sanctioned in respect of 453 advances, and £10,246 in respect of applications for advances anticipated but not actually received when the loan was sanctioned. Twenty-three advances are known to have since been made out of this amount.

I am not able to state the precise number of persons who have taken advantage of the Act.

The annual reports of the Local Government Board show that, up to December 31st, 1906, the latest date for which particulars are at present available, loans had been sanctioned by them to the under-mentioned councils for the purposes of the Small Dwellings Acquisition Act, 1899 :—

(a) TOWN COUNCILS (6).

Birkenhead, C. B.
 Bristol, C. B.
 Gillingham.
 Liverpool, C. B.
 West Ham, C. B.
 Worcester, C. B.

Note.—C. B. = County Borough.

(b) URBAN DISTRICT COUNCILS (18).

Abersychan.	Erith.
Amble.	Hanwell.
Barking Town.	Ilford.
Bedwelty.	Maldens and Coombe.
Bexley.	Southall-Norwood.
Cheriton.	Tonbridge.
Cheshunt.	Tottenham.
East Barnet Valley.	Walthamstow.
Enfield.	Waterloo-with-Seaforth.

(c) RURAL DISTRICT COUNCIL (1).

Pontardawe.

No loan had, prior to March 31st, 1907, been sanctioned to a county council.

The periods allowed for repayment of the loans vary considerably, but do not exceed thirty years, the maximum period for which an advance may be made. They correspond, no doubt, with the periods for which the advances were to be made.

As regards London, the councils of the metropolitan boroughs of Camberwell, Fulham, Hackney, Hammersmith, Hampstead, and Woolwich, having passed the necessary resolution undertaking to act under the statute, are local authorities for the purposes of the Act. In these boroughs, consequently, the London County Council have no jurisdiction under the Act.

The annual reports of the Public Works Loans Board show

ACTION TAKEN UNDER SMALL DWELLINGS ACT, 1899. 801

that, up to the end of the financial year 1906—1907, the commissioners had made the following advances to local authorities in England and Wales for purposes of the Small Dwellings Acquisition Act, 1899 :—

Year.	Amount. £
1900—1901	2,065
1901—1902	18,058
1902—1903	20,939
1903—1904	10,198
1904—1905	10,708
1905—1906	12,583
1906—1907	<u>8,919</u>
Total advanced	83,470

PART LXI.—SMALL HOLDINGS.*

Powers of local authorities to provide.—The Small Holdings Act, 1892 (55 & 56 Vict. c. 31), as amended by the Small Holdings and Allotments Act, 1907 (7 Edw. 7. c. 54), was passed with a view to facilitating the acquisition of small agricultural holdings, and under these Acts county councils and councils of county boroughs are empowered, subject to the restrictions as to expenditure contained in the Acts, to purchase and take on lease suitable land for the purpose of providing small holdings for persons who desire to buy or lease, and will themselves cultivate the holdings (Act of 1892, s. 1; Act of 1907, s. 6 (1)).

A small holding is defined by s. 46 (1) of Act of 1907.

Further, where the tenant of a small holding has agreed with his landlord for the purchase of the holding, the council of the county or county borough in which the holding or any part of it is situate may advance to the tenant on the security of the holding an amount not exceeding four-fifths of the purchase money; but the council must, before making the advance, be satisfied that the title to the holding is good, that the sale is made in good faith, and that the price is reasonable (Act of 1892, s. 17 (1), (3)).

The following restrictions as to expenditure are imposed on the powers of these councils by s. 18 of the Act of 1892:—

- (i) The council cannot acquire land under the Act save at such price that, in the opinion of the council, all expenses incurred by the council in relation to the land will be recouped out of the purchase money for the land sold by the council, or in the case of land let

* **BIBLIOGRAPHY.**—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. i. pp. 412—419; vol. iv pp. 202 *et seq.* "Encyclopædia of Forms and Precedents," vol. i. pp. 436—496, vol. vii. pp. 715—745; vol. viii. pp. 543—546. Clarke's "Small Holdings."

out of the rent, and shall fix the purchase money or rent at such reasonable amount as will, in their opinion, guard them against loss (a).

- (ii) The council cannot take any proceedings under the Act whereby the charge for the time being on the county rate or borough rate or borough fund (as the case may be), for the purposes of the Act, including the annual payments in respect of the loans raised for those purposes, is, in the opinion of the council, likely to exceed in any one year the amount produced by a rate of a penny in the pound, and, where the said charge at any time is equal or nearly equal to that amount, no further land shall be purchased in pursuance of the Act, until the charge has been decreased so as to admit of the further purchase without the charge exceeding the said amount.

With respect to the latter reduction, Mr. John Burns, in replying to a question in the House of Commons, stated in February, 1908, that the law officers of the Crown in 1893 advised that, in considering whether the limit prescribed by s. 18 (2) of the Act of 1892 was likely to be exceeded, a county council might have regard to any receipts which might reasonably be expected to come into account during the year, and to be available in reduction of the expenses incurred under the Act, and that it was made clear by s. 8 of the Act of 1907 that this view of the law was correct.

By s. 8 of the Act of 1907, it is declared that for the purposes of sub-section (2) of s. 18 of the Act of 1892, the expression "charge" means the net charge on the county rate calculated in accordance with regulations made by the Local Government Board after taking in account all receipts from or on account of small holdings, or otherwise, under the Act of 1892 or the Act of 1907.

Borrowing powers.—County councils and the councils of county boroughs are empowered to borrow for the purposes

(a) As to the question of fixing rents to cover charges in respect of principal of loan sanctioned for purchase of land, see p. 804.

of the Small Holdings Acts, 1892 and 1907, by s. 19 of the Act of 1892, as amended by s. 14 of the Act of 1907.

Under these enactments a county council are to borrow in accordance with the Local Government Act, 1888, and the council of a county borough in accordance with the Public Health Act, 1875, the security in the case of a county borough being the borough fund or borough rate. In both cases the borrowing is subject to the consent or sanction of the Local Government Board.

Money borrowed under the Acts is not to be reckoned as part of the total debt of a county for the purposes of s. 69 (2) of the Local Government Act, 1888 (Act of 1892, s. 19 (1)), but the restrictions contained in s. 234 (2) of the Public Health Act, 1875, apply to money borrowed by the council of a county borough under the Acts.

The Local Government Board do not raise objection to sanctioning loans for the purchase of land for small holding on the ground that it is not shown that the rents will cover charges in respect of the principal of the loan as well as interest and other current expenses (*vide* reply of Mr. John Burns in the House of Commons on 23rd March, 1908, to a question by Mr. Forster Boulton).

The Public Works Loan Commissioners are empowered by s. 14 (2) of the Act of 1907 to advance loans for the purposes referred to at the minimum rate allowed for the time being for loans out of the local loans fund; and, as between loans for different periods, the longer duration of the loan is not to be taken as a reason for fixing a higher rate of interest, but a recommendation from the Local Government Board to the commissioners is necessary to advances under that sub-section. The minimum rate of interest at present charged to local authorities on loans granted by the commissioners is $3\frac{1}{2}$ per cent. (see p. 156).

Periods for repayment of loans.—The maximum period which can be allowed by the Local Government Board for the repayment of a loan for the purposes of the Acts is eighty years (s. 19 (1) of Act of 1892 as amended by s. 14 of Act of 1907); but that period is only permissible where the money

is to be borrowed for the purchase of land. When a loan is required for advances to tenants under s. 17 of the Act of 1892, the maximum period would seem to be that fixed by s. 19 (1) of that Act, viz. fifty years. Subject to the maximum period of eighty years, the term which would be granted by the Board in any case for the provision of small holdings would be dependent upon the amount included in the loan for the erection of buildings or the execution of other works for the adaptation of the land for the purpose in question.

Applications for sanction to loans.—I. LOANS FOR PROVIDING.—An application to the Local Government Board for their consent or sanction to the borrowing of money by a county council or the council of a county borough for the purpose of providing small holdings should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made;
- (2) A plan of the land to be acquired and an ordnance map showing by colour its situation;
- (3) A statement showing how the amount proposed to be borrowed is made up, if it includes anything beyond the actual purchase money;
- (4) Information as to the acreage of the land, and, if it exceeds fifty acres, its annual value for purposes of the income tax. It should also be stated whether a provisional agreement for purchase has been entered into;
- (5) A statement (in the form of a balance sheet) of the estimated annual receipts and expenditure of the council under the Act, if the proposal is carried out;

NOTE.—The statement should show that the scheme is within the powers of the council as limited by s. 18 of the Act (see pp. 803, 804).

- (6) Particulars of any proceedings which may have been taken under the Act.

II. LOANS FOR ADVANCES TO TENANTS.—Where a loan is required for the purpose of making advances to tenants of small holdings under s. 17 of the Act of 1892, the application should be accompanied by—

- (1) A copy of a resolution of the council directing it to be made ;
- (2) A map or plan (when one can conveniently be furnished), showing the size, boundaries, and situation of each holding to which the application relates ;
- (3) A statement (in tabular form) giving, as regards each advance proposed to be made, the name of the tenant, the situation, area, and tenure of the holding, the amount of the purchase money, the amount of the proposed advance, and the amount represented by four-fifths of the purchase money ;
- (4) A copy of each agreement for purchase ;
- (5) A statement that the council are satisfied, as regards each holding, that the title is good, that the sale is made in good faith, and that the price is reasonable. If any valuation has been made in the matter, a copy should also be forwarded ; and
- (6) Information as to the proceedings (if any) which have already been taken by the council under the Act.

Loans sanctioned.—The annual reports of the Local Government Board show that, during the four years ended March 31st, 1907, the only loans sanctioned by the Board under the Small Holdings Act, 1892, were to the county councils of Norfolk and Worcester for the provision of small holdings ; and these loans were sanctioned in the year ended March 31st, 1904.

Application of capital monies.—Section 19 (4) of the Small Holdings Act, 1892, provides that any capital money received by a county council (a) in payment or discharge of purchase money for land sold by them, or in repayment of an advance made by them, shall be applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose for which capital money may be applied.

(a) The expression "county council" as used in this Act includes the council of a county borough (see definition in s. 20).

An application by a county council or the council of a county borough for the sanction of the Local Government Board to the disposal of capital money under this provision should be accompanied by—

- (1) A copy of a resolution of the council directing it to be made ;
- (2) A statement showing how the amount is made up and in respect of what purposes it was received by the council ; and also showing when and out of what funds the land was originally acquired by the council or the advance made (as the case may be) ; and
- (3) Full particulars of the proposals of the council.

NOTE.—If the sum is to be applied in defraying the cost of works, plans and a detailed estimate of cost should be supplied ; and, if in repayment of debt, information should be furnished as to the debt of the council in the appropriate official form (viz. Form K, No. 15, in the case of a county council, and Form K, No. 2, in the case of the council of a county borough), the particular debt towards the repayment of which it is proposed to apply the money being distinguished therein.

Parliamentary papers. — The following Parliamentary Papers have been issued relating to the provision of small holdings by local authorities :—

MINUTES OF EVIDENCE contained in Parliamentary Papers as to the demand for allotments and small holdings and as to the difficulty of obtaining land for those purposes. [*Cd.* 3,468. 1907. *Price* 2*d.*]

REPORT of Departmental Committee on Small Holdings in Great Britain. • [*Cd.* 3,277. 1906. *Price* 6*d.*]

MINUTES OF EVIDENCE taken before the above committee with appendices and index. [*Cd.* 3,278. 1906. *Price* 4*s.* 5*d.*]

RETURN showing, from the commencement of the Small Holdings Act (1st October, 1892) to the 31st December, 1902—

- (a) The extent of land acquired by local authorities under the Act, with the date of such acquisition, and the parish or parishes in which the land is situate ;
- (b) The sum for which the land was purchased, or the term and rent for which it was hired ;
- (c) The amount spent on the adaptation of land for small holdings ;
- (d) The number and total acreage of small holdings sold, with the amount of purchase money ;
- (e) The number and total acreage of small holdings let, with the yearly rent and terms of letting ; and
- (f) The number and total amount of advances made under Part II. of the Act.—Earl WALDEGRAVE for Earl of ONSLOW. [No. (192) H. L. 1903. Price 1½d.]

THE LOCAL AUTHORITIES (ACQUISITION OF LAND) RETURN contains (*inter alia*) a statement as to land acquired by councils of counties and county boroughs between 24th June, 1897, and 31st March, 1902, for small holdings, giving particulars as to name of authority, name of parish in which land was situate, how land was acquired, acreage of land, and number of tenants.—Sir WALTER FOSTER. [No. 182. 1903. Price 4d.]

NOTE.—Similar information for the period between 27th December, 1894, and 24th June, 1897, is contained in No. 17 of Session 1898. For further particulars as to this Return, see under “Allotments.”

RETURN showing for each county (a) the number and date of the petition (if any) presented under s. 5 of the Small Holdings Act, 1892, with a copy of the resolutions of the county council therein ; (b) the amount

of land (if any) acquired under s. 3 of the Act, with the parish or parishes in which the same is situate ;
(c) the number of small holdings provided, with the acreage of each holding and the terms of sale or letting, as the case may be.—Mr. MACDONALD. [*No.* 407—*Sess.* 2. 1895. *Price* 3*d.*]

PART LXII.—SPECIAL DRAINAGE DISTRICTS.*

I. CONSTITUTION OF SPECIAL DRAINAGE DISTRICTS.

Statutory provision.—Section 277 of the Public Health Act, 1875, enables a rural authority, by resolution to be approved by the Local Government Board, but not otherwise, to constitute any portion of the area within their jurisdiction a special drainage district, for the purpose of charging thereon exclusively the expenses of works of sewerage water supply or of other works, which by the Act are, or by order of the Local Government Board may be, declared to be special expenses, and thereupon such area becomes a separate contributory place.

Views of Local Government Board.—In relation to proposals for the constitution of special drainage districts, the Local Government Board have stated that, having regard to the fact that the Public Health Act, 1875, contemplates that, in all ordinary cases, the civil parish shall, in rural districts, be the area upon which special expenses incurred in respect of it shall be charged, it is contrary to their practice to approve of the constitution of a special drainage district save in exceptional cases where the circumstances clearly point to the desirability of adopting such a course.

In this connection they point out that, when an area is formed into a special drainage district, it becomes a separate contributory place for all purposes of the Public Health Act, and, in view of this fact, they require in such cases to be satisfied (*inter alia*) that both the area proposed to be formed into a special drainage district and the remainder of the civil

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopedia of Local Government Law," vol. i. p. 571; vol. iii. p. 584.

parish are areas of such a nature as to be suitable for separate contributory places for the purposes of the Act.

Subject to the foregoing conditions, the Board express their willingness to entertain applications for their approval, under s. 277 of the Act, of resolutions of rural district councils constituting special drainage districts in cases in which it is proposed to carry out for the sole benefit of the area comprised in the suggested special drainage district sanitary works involving a large capital expenditure. In such cases, the application for the Board's approval of the constitution of the special drainage district should be made in conjunction with an application for sanction to the raising of the loan required to defray the cost of the works contemplated.

The Local Government Board do not, however, approve of the constitution of special drainage districts where the only works to be carried out involving capital expenditure are works of water supply, having regard to the powers possessed by a rural district council under s. 56 of the Public Health Act, 1875, and s. 9 of the Public Health (Water) Act, 1878, of charging water rates or rents and thus of throwing to a large extent at any rate the cost of providing the supply on the actual consumers of the water. In the latter connection, attention is drawn to the case of *Horn v. Sleaford Rural District Council*, to which more particular reference is made in Part LXVII., "Water Supply"; sub-head, "Incidence of Costs in Rural Districts."

Application for approval of resolution.—Where a rural district council contemplate the execution of sewerage or other sanitary works (other than works of water supply) involving a large capital outlay for an area proposed to be constituted a special drainage district and desire to borrow money for the purpose of defraying the cost of such works, they should pass a resolution constituting the special drainage district in terms and defining the district by reference to an ordnance map on the scale of six inches to a mile unless the boundary cannot be clearly shown on a map on this scale, in which case an ordnance map, on the scale of 25 inches to a mile

should be used. The boundary of the district should be indicated by a continuous hard line of colour, carefully drawn with a draughtsman's pen and not put on with a brush, the outside edge of the line of colour representing the precise boundary intended. The line should be drawn in such a manner as to prevent any doubt hereafter arising as to the inclusion or exclusion of any particular roads, premises, etc. The map should be prepared in duplicate, each copy being endorsed as follows :

This is the map (or "a duplicate of the map," as the case may be) referred to in the resolution of the Rural District Council of _____, passed on the _____ day of _____, 190____, constituting the Special Drainage District.

This endorsement should, in each case, be signed by the clerk to the rural district council; and both copies of the map should be forwarded to the Local Government Board, accompanied by the following particulars :—

- (1) A copy of the resolution referred to;
- (2) A tabular statement as to the acreage, population, and assessable value of the parish or parishes affected, and of the parts of the parish or parishes which would be, respectively, within and without the special drainage district; and
- (3) A statement of the grounds upon which the rural district council consider the constitution of the special drainage district to be necessary or desirable.

In addition, the usual particulars required to be furnished to the Board in connection with an application for their sanction to the raising of a loan to carry out the intended works should be forwarded.

It may be pointed out that the formation of a special drainage district would not affect the incidence of charge in respect of expenses which have already been incurred.

Representations by ratepayers.—Representations by ratepayers in favour of the constitution of special drainage districts should be addressed to the rural district council concerned and not to the Local Government Board, as it rests with the district council to take the initiative in the matter.

II. DISSOLUTION OF SPECIAL DRAINAGE DISTRICTS.

Statutory provision.—Section 270 (3) of the Public Health Act, 1875, enables the Local Government Board by order to dissolve any special drainage district constituted either before or after the passing of that Act in which a loan for the execution of works has not been raised, and merge it in the parish or parishes in which it is situated, and by Provisional Order to dissolve any such district in which a loan has been raised for the execution of works, and merge it in the parish or parishes in which it is situated.

There are, however, other means whereby special drainage districts may be dissolved, *e.g.* by local Acts and Provisional Orders extending boroughs, and by orders of county councils under the Local Government Acts, 1888 and 1894, constituting and altering districts. In these cases, the dissolution of the special drainage district is incidental to, or consequential on alterations of area effected by the local Act, etc.

Application to Local Government Board.—An application by a rural district council to the Local Government Board under the above-cited enactment for an Order or Provisional Order dissolving a special drainage district should be accompanied by the following particulars :—

- (1) A copy of a resolution of the council directing the application to be made ;
- (2) Information as to when and under what authority the special drainage district was constituted ;
- (3) An ordnance map on the scale of six inches to the mile showing by hard lines of colour the boundaries of the special drainage district and of the civil parish or parishes of which it forms part, unless such a

map was furnished to the Board in connection with the constitution of the special drainage district, in which case the fact should be stated ;

- (4) Particulars (in Form K, No. 2) as to the assessable value and existing debt of the special drainage district and of the contributory place or places comprising the remainder of the civil parish or parishes, respectively (a) ; and
- (5) A statement of the grounds on which the application is based.

(a) See also "FORMS," p. 5.

PART LXIII.—STEAM ROAD ROLLERS, STONE CRUSHERS, AND SCARIFIERS.

Power of local authorities to provide.—County councils, town councils, urban district councils, and rural district councils are empowered to provide steam road rollers, stone crushers, and scarifiers by virtue of the powers possessed by them in relation to the repair, etc., of main roads or other highways.

Borrowing powers.—The borrowing of money by county councils for these purposes is subject to the provisions of s. 69 of the Local Government Act, 1888, which require the consent of the Local Government Board to be obtained thereto; while town councils, urban district councils, and rural district councils are empowered to borrow for these purposes under ss. 233, 234 of the Public Health Act, 1875, with the sanction of that Board. The latter sections are rendered applicable to the borrowing of money by rural district councils by s. 25 (1) of the Local Government Act, 1894.

Period for repayment of loan.—A period of ten years is usually allowed by the Local Government Board for the repayment of loans sanctioned by them for these purposes.

Application for sanction to loan.—An application by a town council, urban district council, or rural district council for the sanction of the Local Government Board to a loan for the purchase of a steam road roller, stone crusher, and scarifier should be accompanied by—

- (1) A copy of a resolution of the council directing the application to be made (a);

(a) See also "RESOLUTIONS," p. 6.

- (2) Drawings or photographs of the articles to be provided ;
- (3) The maker's specification of the articles ;
- (4) A statement showing how the amount proposed to be borrowed is made up ; and
- (5) Particulars (in Form K, No. 2 (a)) as to the assessable value and debt of the district.

Similar information should be furnished in the case of an application by a county council, except that the financial particulars should be supplied in Form K, No. 15.

In connection with proposals to provide steam road rollers, the decisions of the Courts in the under-mentioned cases should be considered :—

Gas Light and Coke Company v. Vestry of St. Mary Abbott's, Kensington [15 Q. B. D. 1 ; 54 L. J. Q. B. 414 ; 53 L. T. 457 ; 33 W. R. 892] ; and

Driscoll v. Poplar District Board of Works [14 T. L. R. 99 ; 62 J. P. 40.]

(a) See also "FORMS," p. 5.

PART LXIV.—STOCK.*

I. COUNTY STOCK.

Statutory provisions.—The powers of county councils under the general law in regard to the creation and issue, etc., of county stock are derived from s. 70 of the Local Government Act, 1888, and the regulations which have been made in pursuance thereof by the Local Government Board. The section referred to provides that county stock may be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe; that, without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of the section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or by the corporation of any municipal borough.

Regulations of Local Government Board.—The Local Government Board have prescribed the following regulations, in pursuance of the foregoing enactment with regard to the creation, issue, transfer, and redemption of, and other dealings with, county stock issued under the Local Government Act, 1888, by county councils (other than the London County Council):—

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. iv. pp. 236—239, 260—262. "Encyclopædia of Forms and Precedents," vol. viii. pp. 193—194 *et seq.*

“THE COUNTY STOCK REGULATIONS, 1891,” confirmed by Order in Council on 26th September, 1891;

“THE COUNTY STOCK REGULATIONS (AMENDMENT) 1897,” confirmed by Order in Council on 3rd August, 1897; and

“THE COUNTY STOCK REGULATIONS (AMENDMENT) 1901,” confirmed by Order in Council on 8th August, 1901;

referred to collectively as “THE COUNTY STOCK REGULATIONS, 1891, 1897, and 1901.”

By the Regulations of 1901, those of 1891 and 1897 were altered so as to enable county councils, with the consent of the Local Government Board, to issue stock under the Regulations at a price lower than 95 per centum, and to authorise any such council having statutory borrowing powers exercisable by the creation and issue of stock to exercise such borrowing powers, either wholly or partially, by using monies in the redemption fund instead of creating and issuing additional stock, an equal amount of stock at par value being transferred to the account of the borrowing power so exercisable.

On the 5th of April, 1902, the Local Government Board issued an Order prescribing another form for the abstract of accounts required to be sent to them by the clerk to the county council under Article 38 of the County Stock Regulations, 1891.

Copies of the Order and Regulations above referred to may be obtained from the Local Government Board.

Jurisdiction of Local Government Board.—Before a county council can issue stock under the Local Government Act, 1888, application must be made to the Local Government Board to—

1. Approve the designation of the stock (Art. 2 (5) of the County Stock Regulations, 1891);
2. Determine the period after the expiration of which the stock shall be redeemable at par, at the option of the county council, and the period within which the whole of the stock shall be redeemed or purchased and

extinguished (Art. 2 (3) of the County Stock Regulations, 1891); and

3. Determine the method by which the amounts to be carried to the Stock (Redemption) Fund Account shall be calculated (Art. 11 (1) of the County Stock Regulations, 1891).

In the case of a subsequent issue of the same class of stock, it is only necessary for the Board to determine the method by which the amounts to be carried to the Stock (Redemption) Fund are to be calculated.

Applications to Local Government Board.—It would seem desirable that an application to the Local Government Board for the foregoing purposes should be accompanied by a copy of the resolution passed by the county council in the matter, and a statement *in tabular form* giving the following particulars in regard to each loan to be raised by the issue of stock :—

- (i) Authority for borrowing (giving date and other necessary particulars (a));
- (ii) Purpose in respect of which borrowing power was conferred (b);
- (iii) Amount of borrowing power authorised to be exercised by the creation of stock; and
- (iv) Time within which under the statutory borrowing powers the money represented by the stock is to be repaid.

If it is intended to convert into stock loans which have already been raised, the following additional particulars should be supplied :—

- (v) Amount of loan;
- (vi) Date of borrowing;
- (vii) Rate of interest payable on loan;
- (viii) Method of repayment;
- (ix) Amount which will have been repaid at date fixed for issue of stock;

(a) *E.g.* consent of Local Government Board, dated 27th April, 1907, under the Local Government Act, 1888, and the Lunacy Act, 1890.

(b) *E.g.* purchase of land for lunatic asylum purposes.

and it should at the same time be stated, as regards each loan, what arrangements have been entered into with the lenders with respect to the payment of the debt. In cases of consolidation of debt, precise information as to the proposals of the county council should be submitted, and the equated periods for the loans to be consolidated should be stated.

Issues authorised by Local Government Board.—During the year ended 31st March, 1906, the Board consented under the County Stock Regulations to the issue of stock by the county councils of Middlesex, Surrey, and West Sussex at a price not lower than 90 per centum; and in the following year they consented to the issue of stock by the county council of Hertford of a different class to the issues previously made by that council. The new class bears a dividend of $3\frac{1}{2}$ per cent., while the stock issued in 1896 and 1900 bore dividends of $2\frac{1}{2}$ per cent. and 3 per cent. respectively.

Up to 31st March, 1907, stock under the above regulations had been issued by the county councils of Devon, Dorset, Glamorgan, Hertford, Middlesex, Somerset, Southampton, Stafford, Surrey, and West Sussex, and the total borrowing powers exercised by the issue or transfer of stock amounted, as far as the Board were aware, to £4,615,449 exclusive of expenses of issue.

It would seem to be the usual practice of the Board to fix twenty years from the date of the creation of county stock as the period after the expiration of which the stock shall be redeemable at par at the option of the county council, and forty years from the date of the creation of the stock as the period within which the whole of the stock shall be redeemed or purchased and extinguished.

II. URBAN STOCK.

Statutory provisions.—The statutory provisions of the general law in relation to the creation and issue, etc., of stock by urban authorities—that is to say, by town councils and urban district councils—are contained in s. 52 of the Public

Health Acts Amendment Act, 1890 (which forms Part V. of the Act). That section is in the following terms:—

“PART V.—STOCK.

“(1) Where any authority, whether a municipal corporation, “local board, or improvement commissioners, which is an “urban authority, have for the time being, either in their “capacity as urban authority or in any other capacity, any “power to borrow money, they may, with the consent of “the Local Government Board, exercise such power by the “creation of stock to be created, issued, transferred, dealt “with, and redeemed in such manner and in accordance “with such regulations as the Local Government Board may “from time to time prescribe.

“(2) Without prejudice to the generality of the above power, “such regulations may provide for the discharge of any loan “raised by such stock, and in the case of consolidation of debt “for extending or varying the times within which loans may “be discharged, and may provide for the consent of limited “owners and for the application of the Acts relating to stamp “duties and to cheques, and for the disposal of unclaimed “dividends, and may apply for the purposes of this section, “with or without modifications, any enactments of the Local “Loans Act, 1875, and the Acts amending the same, and of “any Act relating to stock issued by the Metropolitan Board “of Works, or the County Council of London, or by the “corporation of any municipal borough.

The powers of this section are, however, only available where Part V. of the Act has been adopted by the urban authority.

Regulations of Local Government Board.—The Local Government Board have prescribed the following Regulations under the foregoing provisions in regard to the creation, issue, transfer, and redemption of, and other dealings with, stock by urban authorities:—

“THE STOCK REGULATIONS, 1891,” confirmed by Order in Council on 26th September, 1891 ;

“THE STOCK REGULATIONS (AMENDMENT), 1897,” confirmed by Order in Council on 3rd August, 1897 ; and

“THE STOCK REGULATIONS (AMENDMENT), 1901,” confirmed by Order in Council on 8th August, 1901 ;

referred to collectively as “THE STOCK REGULATIONS, 1891, 1897, and 1901.”

By the Regulations of 1901, those of 1891 and 1897 were altered so as to enable urban authorities, with the consent of the Local Government Board, to issue stock under the Regulations at a price lower than 95 per centum, and to enable any such authorities who have been previously authorised to exercise borrowing powers by the creation and issue of stock to exercise such borrowing powers, either wholly or partially, by using monies in the Redemption Fund, instead of creating and issuing additional stock, an equal amount of stock at par value being transferred to the account of the borrowing power so exercised.

On the 5th of April, 1902, the Local Government Board issued an order prescribing another form for the abstract of accounts required to be sent to them by the clerk to the local authority under Article 44 of the Stock Regulations, 1891.

Applications for consent orders.—The consent of the Local Government Board is required to the creation of stock by urban authorities under the Public Health Acts Amendment Act, 1890, in pursuance of s. 52 of that Act, the provisions of which are set out *ante*. An application by any such authority for an order of the Board consenting under the Regulations to the exercise of any statutory borrowing power by the creation of stock should be accompanied by a copy of the resolution of the authority directing it to be made and the information indicated below so far as applicable:—

1. A statement in tabular form showing the following particulars in regard to the loans proposed to be dealt with by the creation of stock :

(1) Act, Provisional Order, or sanction authorising the borrowing (giving the date and other necessary particulars).

- (2) Purpose of loan.
 - (3) Name of lender.
 - (4) Date of loan.
 - (5) Period sanctioned or authorised by the statutory borrowing power.
 - (6) Period for which loan was obtained.
 - (7) Period unexpired at the date on or about which it is contemplated that the stock will be issued (state the date).
 - (8) Rate of interest payable on the loan.
 - (9) Method of repayment.
 - (10) Amount of loan.
 - (11) Amount which will be in sinking fund on date fixed in column 7 (see above) if the loan is repaid by sinking fund.
 - (12) Balance which will properly be owing on the same date in respect of loan, after deducting amount in sinking fund, if any.
 - (13) Amount of borrowing power not yet exercised, but proposed to be exercised by creation of stock.
 - (14) Compensation to be paid to lenders for giving up existing securities.
 - (15) Equated periods for loans proposed to be consolidated.
2. Precise information should also be supplied on the following points :—
- (a) The terms on which the lenders of existing loans are willing to receive payment.
 - (b) If compensation is proposed to be paid to lenders, the basis on which the amount has been arrived at should be stated in detail.
 - (c) Whether definite arrangements have been come to with the lenders.
 - (d) What is the estimated amount of the cost of issue, and how is the amount made up?

- (e) Do the authority intend to issue the stock themselves? State the precise method of issue contemplated.
 - (f) What is the minimum price of issue contemplated, and have the authority good reason to suppose that the stock can be issued at that price?
 - (g) Rate of dividend to be paid.
 - (h) Period within which it is proposed that the stock should be redeemable at par at option of the corporation [Article 2 (3) of Regulations of 1891].
 - (i) Period within which the stock is to be extinguished [Article 2 (3) of Regulations of 1891].
3. If it is proposed to consolidate for the purpose of repayment in an equated period any of the loans to be converted into stock under Article 5 of the Regulations of 1891, particulars of the proposal should be given.
4. It should be stated whether Part V. of the Act of 1890 referred to has been adopted by the local authority, and, if so, when.

Issues authorised by Local Government Board.—During the year ended 31st December, 1906, the Board consented under the Stock Regulations to the issue of stock by the corporations of Bath, Bristol, Cambridge, Dover, Poole, Portsmouth, Richmond (Surrey), St. Helens, Southampton, and Torquay, and the urban district councils of Heston and Isleworth and Shipley (36th annual report of Board, p. lvi.).

Stock issued under these regulations usually carries dividends at the rate of 3 per cent. per annum, though issues of $2\frac{3}{4}$ and $3\frac{1}{2}$ per cent. stock are occasionally authorised, and is redeemable at par at the option of the local authority at the end of twenty years commencing from the first creation of stock, and is to be extinguished within a definite period fixed in each case varying from forty to sixty years. In some cases, the Board approve under the regulations of schemes of consolidation for the purpose of

providing for the repayment within one uniform period of the whole or certain portions of the debt raised by stock, instead of within the various periods prescribed for repayment under the original statutory borrowing powers.

Consent orders also, as a rule, give power to raise by stock such sum as may be necessary for defraying the reasonable expenses of the creation and issue of stock under the order.

It is stated in the report above referred to that the total amount authorised by consent orders issued during the year to be raised by stock under the regulations referred to, exclusive of expenses of issue, was £947,311; and that the total amount so authorised to be raised under the regulations up to the end of the year was £20,455,132 (after deducting sums included in consent orders cancelled wholly or in part by other orders issued up to the end of the year).

When stock has been issued, information on the following points should be supplied to the Local Government Board :—

- (1) The exact amount of stock issued ;
- (2) The precise amount of cash realised by the issue ; and
- (3) The amount of the expenses of the issue, and how such amount is made up.

III. GENERAL REMARKS.

Stock cannot be created and issued as regards any loan which has not actually been authorised, and the amount of stock to be issued must not exceed such amount as will, according to the price of issue realised, produce the actual amount of money lawfully raiseable by the authority. (See Article 3 of "The County Stock Regulations, 1891," and Article 3 of "The Stock Regulations, 1891.")

Article 51 (1) of the County Stock Regulations, 1891, confers a statutory borrowing power in respect of expenses incurred by a county council in or about the creation and issue of stock (including any sum paid by them for composition for

stamp duty thereon and any other expenses properly chargeable to capital); and Article 57 (1) of the Stock Regulations, 1891, makes similar provision as regards expenses incurred by local authorities in or about the creation and issue of stock under s. 52 of the Public Health Acts Amendment Act, 1890.

Three copies of any prospectus which may be issued should be sent to the Local Government Board.

PART LXV.—TELEPHONIC SYSTEMS.*

Statutory provision.—Section 2 (1) of the Telegraph Act, 1899 (62 & 63 Vict. c. 38), provided that where the council of a borough or an urban district are licensed by the Postmaster-General to provide a system of public telephonic communication, they may defray the expenses of exercising the powers conferred by the licence in the case of a borough out of the borough fund or borough rate, and in the case of an urban district not a borough out of the rate out of which the general expenses of the council in the execution of the Public Health Acts are defrayed, and may borrow money for the purpose in accordance with the Public Health Acts, but in the case of a borough any money so borrowed shall be borrowed on the security of the borough fund or borough rate; and the council may, subject to the provisions of the Telegraph Acts, 1863 to 1897, and of the licence, exercise their powers under the licence throughout the area for which it is granted, although part of that area may be outside the borough or urban district.

Municipal systems.—In pursuance of licences granted by the Postmaster-General and of loans sanctioned by the Local Government Board under the above-cited enactment, public telephone systems have been installed by five local authorities in England and Wales, namely, by the town councils of Brighton, Hull, Portsmouth, Swansea, and Tunbridge Wells; but, in the cases of Swansea and Tunbridge Wells, the undertaking has since been sold with the approval of the Postmaster-General to the National Telephone Company, Ltd.; while, in the case of Brighton, the telephonic business and plant of the corporation has been purchased by the

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. vi. pp. 416—431.

Postmaster-General. There are thus, at present, only two municipal services in existence in England and Wales.

The following table gives particulars as to the loans sanctioned by the Local Government Board in respect of public telephonic undertakings up to December 31st, 1906, the latest date for which particulars are at present available :—

Borough.	Amount Sanctioned.	Year.	Period for Repayment.	Date when Licence expires.
	£		Years.	
Brighton . .	42,000	1902	25	(a)
" . .	4,666	1904	22	
" . .	6,145	1905	20	
Grantham . .	1,500	1902	25	(b)
Hull . .	43,202	1903	25	
" . .	20,873	1905	20	1911, Dec. 31. ¹
Portsmouth . .	25,500	1902	25	
" . .	8,988	1904	25	1926, June 30.
" . .	1,626	1905	20	
" . .	16,262	1906	20	
" . .	2,253	1906	3	
Swansea . .	20,300	1902	25	(a)
" . .	306	1904	25	
" . .	2,000	1904	25	
" . .	500	1905	25	
Tunbridge Wells .	10,000	1901	25	(a)
" . .	15,000	1902	25	

Sale of installations.—On February 2nd, 1905, an agreement was entered into between the Postmaster-General and the National Telephone Company, Ltd., for the transfer to the Postmaster-General on December 31st, 1911 (to which date the licence to the company to carry on a telephonic business extended), of the whole of the undertaking of the company, subject to various conditions.

A select committee was appointed by the House of Commons to consider this agreement and to report, as to any recommendations thereon, whether it was desirable in the public interest that the agreement should become binding with or without

(a) See remarks in preceding paragraph.

(b) It would appear from the evidence given by Sir R. Hunter before the Select Committee on the Post Office (Telephone) Agreement, 1905, that the licence in the case of Grantham was surrendered or withdrawn, the town council having failed to establish an exchange system within the period of two years from the grant of the licence as required thereby.

modifications, and also whether the interests of the employees of the National Telephone Company had been considered.

In their report, the select committee, among other recommendations, suggested that clause 4 (1) of the agreement of 2nd February, 1905, should be amended to run as follows :—

“ 1. The value on the 31st day of December, 1911, of all
“ plant, land, buildings, stores, and furniture purchased by
“ the Postmaster-General in pursuance of the provisions hereof
“ shall be the then value (exclusive of any allowance for past
“ ~~and~~ future profits of the undertaking or any compensation for
“ compulsory sale or other consideration whatsoever) of such
“ plant, land, buildings, stores, and furniture having regard to
“ its suitability for the purposes of the Postmaster-General's
“ telephonic service, and in determining the value of any
“ plant no advantage arising from the construction of such
“ plant by leave of the Postmaster-General upon any railway
“ or canal over which the Postmaster-General possesses
“ exclusive rights of way for telegraphic lines shall be taken
“ into account.”

A supplemental agreement was entered into between the Postmaster-General and the National Telephone Company on August 8th, 1905, which (*inter alia*) embodied a provision giving effect to the above recommendation.

The select committee also recommended that, in the general public interest, the House of Commons should not disapprove of the agreement, but that the agreement, subject to certain proposed modifications, should not be allowed to become operative until a pledge had been given to the House that nothing should be done by the Government before January, 1912, whereby the question of the future ownership and management of local telephone installations (as distinct from the ownership and management of trunk lines) may be prejudiced, and that, unless by a vote of the House it has otherwise been determined, the Post Office shall continue to grant licences to municipalities on terms not more onerous in respect of royalties than the terms of the standard telephone licence as revised in January, 1902.

It may be added that the licences granted to local authorities

provided for the ultimate purchase of such of the plant as is, at the date of transfer, in use by the local authority and is suitable for the actual requirements of the telephonic service of the Post Office within the licensed area.

In the course of the discussion which took place in the House of Commons on August 9th, 1905, on the motion of Mr. Lough, with reference to the agreement with the Telephone Company, the Postmaster-General expressed his willingness to enter into negotiations with the local authorities who have established telephonic systems with a view to the purchase of their undertakings; and it would seem from the reports in the public Press that the Postmaster-General has since been in communication with such authorities with this object.

The following question and reply in the House of Commons show the position of matters at the date mentioned as regards the sale of the municipal undertaking at Hull, and contains some interesting information as to the price which is to be paid by the State in 1911 for the purchase of the plant of the National Telephone Company:—

[*House of Commons.* March 27th, 1906.]

Mr. Belloc asked the Postmaster-General whether his attention had been called to the recent offer of the National Telephone Company for the purchase of the municipal telephones of Hull; and whether, seeing that the offer was higher than the offer made by the Post Office for the same property, and that the assets of the National Telephone Company were purchaseable in full by the State a few years hence, he would, in the public interest, take steps to secure that this company should not offer, in competition against the State, sums which the State itself was pledged to reimburse.

Mr. Burton.—I have not made any definite offer to the Corporation of Hull for the purchase of their telephone system. On two occasions, representatives of the Corporation Telephone Committee and of the corporation have discussed the question of purchase; first,

with my predecessor, and again with myself. We were given to understand on both occasions that the corporation were not prepared to entertain an offer of less than the repayment of the full capital expended. This is a price which makes no allowance for depreciation, and is considerably higher than the valuation made by my engineers. In the interests of the taxpayer I do not feel justified in offering it. The corporation have not further approached me on the subject. I understand that the National Telephone Company have made an offer to purchase the corporation telephone system; but the price to be paid by the Telephone Company (supposing their offer to be accepted) will not in any way affect the price to be paid by the State in 1911 for the plant which the Postmaster-General is under agreement to purchase at that date. That price will, under the agreement, be the then value of the plant, etc., which is purchased, having regard to its suitability for the purpose of the Postmaster-General's telephonic service.

Mr. Belloc asked whether he was to understand that the National Telephone Company were acting out of philanthropy.

Mr. Buxton said he imagined the company expected to make a profit between now and 1911. The Government would only pay the then value of the plant having regard to its suitability for the purposes of the Postmaster-General.

Mr. Belloc.—If I am a member of the House I will remember it on that occasion.

Parliamentary Papers.—The following reports and returns, etc., relating to telephone services in England and Wales have been issued as parliamentary papers during the period 1895—1907:—

REPORT from the Select Committee on Post Office (Telephone Agreement), 1905; with the proceedings, minutes, appendix, and index. [No. 271. 1905. Price 3s. 2d.]

MEMORANDUM of the Postmaster-General dated February 14th, 1905, setting forth an agreement dated February 2nd, 1905, between the Postmaster-General and the National Telephone Company, Ltd. [No. 16. 1905. Price 3d.]

NOTE.—A copy of this memorandum is contained in the Report of the Select Committee above referred to.

AGREEMENT dated November 18th, 1901, between the Postmaster-General and the National Telephone Company Ltd., with reference to the exchange area of ~~London~~. [No. 25. 1902.]

RETURN giving the names of all telephone exchanges of the Post Office in the United Kingdom, with the date of opening, the number of subscribers on each exchange on December 31st, 1899, 1900, and 1901, and the tariff, etc. (in continuation of somewhat similar previous returns). [No. 149. 1902.]

DEEDS POLL dated February 7th, 1898, and February 15th, 1899, executed by the Postmaster-General specifying exchange areas of the National Telephone Company (in continuation of No. 128, of 1898). [No. 46. 1900.]

RETURN of the receipts of the Post Office from the telephone service. [No. 382. 1900.]

TREASURY MINUTE upon the development of the telephone system in the United Kingdom: 8th May, 1899. [No. 190. 1899.]

REPORTS from select committees on the telephone service; with the proceedings, evidence, appendix, and index. [No. 350. 1895. No. 383. 1898.]

AGREEMENT dated March 25th, 1896, between the Postmaster-General and the National Telephone Company as to trunk lines; and supplementary agreement with the same company, dated March 26th, 1896, as to transfer of trunk lines and other telegraphs. [No. 128. 1898.]

PART LXVI.—URBAN POWERS.*

APPLICATIONS TO THE LOCAL GOVERNMENT BOARD FOR ORDERS INVESTING RURAL DISTRICT COUNCILS WITH THE POWERS OF AN URBAN AUTHORITY.

Statutory provisions.—The enactments under which such applications may be made are :—

Section 276 of the PUBLIC HEALTH ACT, 1875 ;

Section 5 of the PUBLIC HEALTH ACTS AMENDMENT ACT,
1890 ;

Section 4 of the PRIVATE STREET WORKS ACT, 1892 ; and

Section 25 (7) of the LOCAL GOVERNMENT ACT, 1894.

Those enactments are in the following terms :—

Section 276 of Public Health Act, 1875—

“The Local Government Board may, on the application of
“the authority of any rural district, or of persons rated to the
“relief of the poor, the assessment of whose hereditaments
“amounts at the least to one-tenth of the net rateable value of
“such district, or of any contributory place therein, by order
“to be published in the *London Gazette* or in such other
“manner as the Local Government Board may direct, declare
“any provisions of this Act in force in urban districts to be in
“force in such rural district or contributory place, and may
“invest such authority with all or any of the powers rights
“duties capacities liabilities and obligations of an urban autho-
“rity under this Act, and such investment may be made either
“unconditionally or subject to any conditions to be specified
“by the Board as to the time, portion of the district, or manner
“during at and in which such powers rights duties liabilities
“capacities and obligations are to be exercised and attach :

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclo-
pædia of Local Government Law," vol. ii. pp. 532—533.

“Provided that an order of the Local Government Board made on the application of one-tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural authority with any new powers beyond the limits of such contributory place.”

Section 5 of Public Health Act Amendment Act, 1890—

“The Local Government Board may declare that any of the provisions contained in any part of this Act which are not in force in any rural sanitary district shall be in force in that district, or any part thereof, and may invest a rural sanitary authority with any of the powers, rights, duties, capacities, liabilities, and obligations which an urban authority may acquire by adoption of any part of this Act, in like manner, and subject to the same provisions as they are enabled to invest rural sanitary authorities with the powers of urban sanitary authorities under the provisions of section two hundred and seventy-six of the Public Health Act, 1875, and in such case the date of the declaration of the Local Government Board under this section shall be substituted for the date of the adoption of this Act or any part thereof.”

Section 4 of Private Street Works Act, 1892—

“The Local Government Board may declare that the provisions contained in this Act shall be in force in any rural sanitary district, or any part thereof, and may invest a rural sanitary authority with the powers, rights, duties, capacities, liabilities, and obligations which an urban authority may acquire by adoption of this Act, in like manner and subject to the same provisions as they are enabled to invest rural sanitary authorities with the powers of urban sanitary authorities under the provisions of section two hundred and seventy-six of the Public Health Act, 1875.”

Section 25 (7) of Local Government Act, 1894—

“The powers conferred on the Local Government Board by the said section two hundred and seventy-six [that is, of the Public Health Act, 1875], or by any enactment applying that section, may be exercised on the application of a county council, or with respect to any parish or part of a parish on the application of the parish council of that parish.”

Further, sub-ss. (5) and (6) of the last-cited section enact as follows:—

“(5) Rural district councils shall also have such powers, duties, and liabilities of urban sanitary authorities under the Public Health Acts or any other Act, and such provisions of any of those Acts relating to urban districts shall apply to rural districts, as the Local Government Board by general order direct.

“(6) The power to make such general orders shall be in addition to and not in substitution for the powers conferred on the Board by section two hundred and seventy-six of the Public Health Act, 1875, or by any enactment applying that section; and every order made by the Local Government Board under this section shall be forthwith laid before Parliament.”

NOTE.—No such General Orders as are referred to in these sub-sections have yet been made by the Local Government Board.

General instructions.—The Local Government Board do not entertain general applications for Orders investing rural district councils with all the powers of an urban authority; and, accordingly, applications for such powers should be limited to the particular powers needed and to the contributory places in respect of which they are actually required. If, in the opinion of the authority, the circumstances of any area are such as to require the exercise of the powers of an urban authority on an extensive scale, they should consider whether the case is not rather one for an application to the county council under s. 57 of the Local Government Act, 1888, for the constitution of such area into an urban district, but in this connection the remarks on p. 621 as to the constitution of small urban districts should be borne in mind.

An application to the Local Government Board for urban powers should in all cases be accompanied by—

- (1) A copy of a resolution of the authority directing it to be made; .

NOTE.—The resolution should specify the particular powers required by reference to the Acts and sections conferring such powers and also the

name (or names) of the contributory place (or places) in respect of which the powers are sought. If, however, the powers are wanted for the entire rural district, this should be made clear. The resolution should also request that any expenses which may be incurred in the exercise of the powers may be declared chargeable as special expenses upon the contributory place or places concerned, if this is desired.

- (2) A statement of the grounds on which each power asked for is considered necessary as regards each contributory place.

The expenses of a rural district council cannot be charged as special expenses upon part only of a contributory place, so that if urban powers were put in force in such an area (a proceeding which seems to be of very rare occurrence), the expenses could not be limited to such area. It would, however, appear that the fact that urban powers were granted in respect of an entire contributory place would not necessarily preclude the rural district council from making byelaws authorised by such powers for a part only of the contributory place; but the area should, presumably, have a well-defined boundary and the circumstances should be such as to render this course expedient.

The powers of an urban authority cannot be conferred on a parish council. Any such powers which might be put in force in a rural parish by an Order of the Local Government Board would vest in the rural district council, but it is competent to a rural district council, in pursuance of s. 15 of the Local Government Act, 1894, to delegate to a parish council any power which may be delegated to a parochial committee under the Public Health Acts. In this connection attention is drawn to s. 202 of the Public Health Act, 1875.

Special notes (a).—In addition to the general instructions given above, it is necessary that, in the case of an application

(a) Special notes as to enactments not herein referred to will be found in other parts of this book under the various subjects dealt with.

to be invested with powers under the enactments hereinafter mentioned, regard should be had to the instructions and remarks in connection with the particular enactment.

PUBLIC HEALTH ACT, 1875.

SECTION 25 ("Penalty on building house without drains in urban district").—It should be stated what are the special reasons which render the provisions of the section necessary, having regard to the powers which the rural district council possess under s. 23.

SECTION 42.—This section provides that every local authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises ;

The cleansing of earth-closets, privies, ashpits, and cesspools ;
either for the whole or any part of their district: moreover every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

A rural district council, being a "local authority" within the meaning of the Act, accordingly have the same powers and are subject to the same liabilities as an urban authority under this section in relation to the removal of house refuse from premises and the cleansing of earth-closets, privies, ashpits, and cesspools. To enable a rural district council, however, to undertake or contract for the proper cleansing or watering of streets in any contributory place in their district, it will be necessary that they should first be invested by an Order of the Local Government Board with the powers of an urban authority under this section with respect to these matters.

SECTION 47.—This section imposes penalties in respect of certain nuisances on premises.

As regards the nuisances referred to in (1) and (2) thereof, the reasons of the rural district council for considering their powers under s. 91 to be insufficient for the purpose in view should be explained; and, with respect to (3), it should be stated, in regard to each contributory place for which the powers are desired, whether the contributory place is urban in character and whether a public system of sewerage has been provided.

SECTIONS 49 ("Removal of filth on certificate of inspector of nuisances") and 50 ("Periodical removal of manure from mews and other premises").—It is contrary to the usual practice of the Local Government Board to put these sections in force in rural districts. In this connection the Board point out that, where nuisance arises from an accumulation of offensive or noxious matter, it is open to a rural district council to take proceedings for its abatement under the nuisance provisions of the Act; and, moreover, under s. 42, a rural district council are empowered to undertake or contract for the removal of house refuse and the cleansing of receptacles.

SECTIONS 112—115 relating to offensive trades.—As regards ss. 112—114, it should be stated whether any and, if so, what offensive trades have been or are likely to be established in each contributory place to which the application relates, and whether s. 51 of the Public Health Acts Amendment Act, 1907, has been declared in force in such contributory place or places, or whether the council desire that section to be put in force. In the former case a reference to the date of the Order of the Board declaring the section in force should be given; in the latter case, application should be made for the necessary Order (a).

It will be observed that byelaws can only be made under s. 113 with respect to trades established with the consent of the authority; and, consequently, any such byelaws would not apply to offensive trades already established, unless the

(a) As to how application for the powers of the Act of 1907 should be made, see p. 721.

powers of s. 51 (2) of the Act of 1907 are available. An application for the powers of s. 113 should also extend to s. 112.

With respect to s. 115, it should be stated whether any nuisance arises in any contributory place in the district by reason of an offensive trade carried on outside the district, and whether such trade is injurious to the health of any of the inhabitants of the district; and information should be given as to the name of the district in which the building is situate and the nature of the trade carried on.

SECTION 154.—This enables any urban authority to purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street or (with the sanction of the Local Government Board) for the purpose of making any new street.

The annual reports of the Board show that this section is now not infrequently put in force throughout a rural district or contributory place.

In connection with any application for these powers, it should be stated whether the rural district council succeeded surveyors of highways or a highway board, and whether it is desired that the expenses incurred in the execution of the powers should be charged as special expenses upon the contributory places concerned. In the latter event, it should also be stated whether s. 49 of the Public Health Acts Amendment Act, 1890, is in force, and, if so, whether they wish the order to provide that such expenses should be raised in like manner as general expenses under s. 29 (b) of the Local Government Act, 1894. In any case in which the powers are required in respect of a particular improvement, and it is proposed to charge part only of the cost as special expenses on the contributory place affected, information should be furnished as to how the balance is to be defrayed; and, if a loan is contemplated, the particulars which should ordinarily accompany an application for sanction to borrow money for such a purpose should be forwarded at the same time.

SECTION 155 ("Power to regulate line of buildings").—It should be stated how far each contributory place for which

the powers are applied for is of such an urban character as to render the powers desirable.

SECTION 171 incorporates with the Act the provisions of the Towns Police Clauses Act, 1847, with respect to—

- (1) Obstructions and nuisances in the streets ;
- (2) Fires ;
- (3) Places of public resort ;
- (4) Hackney carriages ; and
- (5) Public bathing.

(1) *Obstructions and Nuisances in Streets.*—The incorporated provisions of the Act of 1847, relating to these matters, are contained in ss. 21—29 ; but it would appear from the annual reports of the Local Government Board that the only provisions of that Act in this behalf which have been put in force in rural districts in recent years are those of s. 28, which impose penalties on persons committing various offences.

Unless the application extends to the whole section, the resolution of the rural district council should specify, in the language thereof, the particular paragraph or paragraphs which they desire should be put in force. It should be stated that there are no byelaws made by the county council on the subject in force in the district (if this is the case), and that the rural district council have carefully considered each of the paragraphs included in the application, and that they are satisfied that the powers are necessary as regards each contributory place to which the application relates. A copy of any report which may have been made to the district council on the subject should be forwarded.

Before applying for powers under this enactment a rural district council should consider the sufficiency for the purpose in view of the provisions of s. 72 of the Highway Act, 1835 (5 & 6 Will. IV. c. 50), which section is in force in all rural districts.

- ~ (2) *Fires.*—The provisions of the Town Police Clauses Act,

1847, hereby incorporated are ss. 30—33 (inclusive); but, in some cases, ss. 30 and 31 only are put in force by orders of the Board. For further information as to applications for these powers, see p. 348.

(3) *Places of Public Resort*.—The incorporated provisions of the Town Police Clauses Act, 1847, are ss. 34—36; but the annual reports of the Board disclose but few instances in which these provisions have been put in force in a rural district.

(4) *Hackney Carriages*.—The incorporated provisions are ss. 37—6⁶ of the Act of 1847 as to hackney carriages, and the Town Police Clauses Act, 1889 (52 & 53 Vict. c. 14), with respect to omnibuses. It should be made quite clear in the resolution of the rural district council whether powers under both Acts are desired.

(5) *Public Bathing*.—This provision incorporates s. 69 of the Act of 1847. It should be stated whether there are any public bathing places in the contributory place, whether bathing machines have been provided, and whether s. 92 of the Public Health Acts Amendment Act, 1907, is in force. In the latter case a reference should be given to the date of the Order of the Local Government Board declaring that section in force. If the section is not in force and the powers thereof are desired, the application should be extended accordingly (a).

Enactments put in force.—It appears from tables contained in the annual reports of the Local Government Board that the following enactments have in recent years been put in force in rural districts by orders of the Board:

- I. PUBLIC HEALTH ACT, 1875, ss. 20, 23 (as to keeping water-closets supplied with sufficient water for flushing), 25, 26, 39, 42 (so far as it relates to cleansing and watering of streets), 44 (second paragraph), 45, 47, 49, 50, 66, 112, 113, 114, 115, 149, 150 (except as to sewerage), 151, 152, 153, 154, 155, 157, 158, 160, 161

(a) As to how application should be made for the powers of the Act of 1907, see p. 721.

(first paragraph), 163, 164, 165, 169 (second and third paragraphs), 170, 171 (various provisions), 172 (second paragraph).

II. PUBLIC HEALTH (BUILDINGS IN STREETS) ACT, 1888 (51 & 52 Vict. c. 52), s. 3.

III. PUBLIC HEALTH ACTS AMENDMENT ACT, 1890. See p. 720.

IV. PRIVATE STREET WORKS ACT, 1892. The whole Act (except as to sewerage).

PART LXVII.—WATER SUPPLY.*

Statutory provisions.—The chief statutory provisions of the general law which confer powers and impose duties on local authorities (outside the administrative county of London) in relation to the water supply of their districts are contained in the under-mentioned statutes :

PUBLIC HEALTH ACT, 1875, with which Act are incorporated by s. 57 and subject to the provisos of that section, the WATERWORKS CLAUSES ACT, 1863 (26 & 27 Vict. c. 93), and certain provisions of the WATERWORKS CLAUSES ACT, 1847 (10 & 11 Vict. c. 17) ;

PUBLIC HEALTH (WATER) ACT, 1878 ; and

LOCAL GOVERNMENT ACT, 1894, ss. 8 (1) (e), 16, 19 (8).

Under the Public Health Act, 1875, but subject to certain restrictions as regards carrying out works within the limits of water companies and authorities supplying water under parliamentary powers (s. 52) and interference with riparian rights (ss. 327, 332), town councils, urban district councils, and rural district councils are empowered to provide their districts, or any parts thereof, with a supply of water proper and sufficient for public and private purposes, and for this purpose they may—

- (1) Construct and maintain waterworks, dig wells, and do any other necessary acts ; and
- (2) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district,

* BIBLIOGRAPHY.—Lumley's "Public Health," latest edition. "Encyclopædia of Local Government Law," vol. vii. pp. 1—34. "Encyclopædia of Forms and Precedents," vol. xv. pp. 117—147. Michael and Will's "Gas and Water." Ruson's "Complete Gas and Water Acts."

and any rights, powers, and privileges of any water company; and

(3) Contract with any person for a supply of water.

The statute also confers on these councils important powers with respect to carrying water mains within and without their districts (ss. 16 and 32, as applied by s. 54), the charging of water rates and water rents (s. 56), the supply of water to local authorities of adjoining districts (s. 61), the purchase of land (ss. 175, 176), and the borrowing of money (ss. 233, 234).

If any such council fail to provide their district with a supply of water where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, and a proper supply can be got at a reasonable cost, complaint may be made to the Local Government Board under s. 299 of the Public Health Act, 1875, and that Board, if satisfied after due inquiry that the local authority has been guilty of the alleged default, are empowered to make an order limiting a time for the performance by the authority of their duty in the matter of such complaint. For further information on this point, see Part XIX., "Default of Local Authority." A like complaint may be made in the case of a rural parish to the county council by the parish council, or, if the parish has not a parish council, by the parish meeting (Local Government Act, 1894, ss. 16, 19 (8)). The powers of a parish council are more fully dealt with *post*.

Section 3 of the Public Health (Water) Act, 1878, provides that it shall be the duty of every rural district council, regard being had to the provisions in that Act, to see that every occupied dwelling-house within their district has within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house.

It may be added that many local authorities possess considerable powers under local Acts and amending Provisional Orders with reference to the supply of water.

Powers of parish council.—The powers possessed by a parish

council with respect to the supply of water are of a very limited character. They are chiefly derived from s. 8 (1) (e) of the Local Government Act, 1894, which enables a parish council to utilise any well, spring, or stream within their parish and provide facilities for obtaining water therefrom, but so as not to interfere with the rights of any corporation or person.

The Local Government Board have expressed the opinion that it is very doubtful whether a parish council are empowered under this enactment to undertake such works as the sinking of new wells for the supply of water, or to break up roads for the purpose of laying water mains.

Moreover, the statute does not confer on parish councils any power to charge water rates or water rents; and s. 8 (3) expressly provides that nothing in the section shall derogate from any obligation of a district council with respect to the supply of water.

If, therefore, a parish council are of opinion that the parish or any part thereof is in need of a supply of water, the proper course for them to take is to bring the matter to the notice of the rural district council, upon whom, assuming that the parish is not within the limits of any company or authority supplying water under parliamentary powers, the responsibility rests for seeing that the needs of the parish as regards water supply are adequately met, and who possess the necessary statutory powers to carry out a scheme and to charge water rates or water rents in respect of the expense of providing the supply and of maintaining any necessary works for that purpose.

With respect to the other powers of a parish council in regard to this matter, it may be pointed out that, under s. 16 of the Local Government Act, 1894, where a parish council resolve that a rural district council ought to have provided the parish with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply and a proper supply can be got at a reasonable cost, they may make complaint to the county council, who, if satisfied after due inquiry

that the rural district council have so failed, may either transfer the duties and powers of such council to themselves or may make such an order as is mentioned in s. 299 of the Public Health Act, 1875. And where a rural district council have determined to adopt plans for the water supply of any contributory place within their district, they must give notice thereof to the parish council of the parish for which the works are to be provided before any contract is entered into by them for the execution of the works. As to the effect of this provision, see p. 752.

Formulation of schemes.—The remarks on pp. 753—755 as to the formulation of schemes of sewerage and sewage disposal apply also to schemes of water supply.

Requirements of Local Government Board.—Beyond the instructions contained in the official Form of Estimate (K, No. 20), the Local Government Board have not issued any printed information as to their requirements with regard to schemes of water supply for which their sanction to the borrowing of money is necessary, nor do they issue any model plans on the subject, but their usual requirements, so far as information on this point is available, appear to include the following:—

1. **MINIMUM SUPPLY.**—Schemes of water supply should, when practicable, provide for not less than the under-mentioned quantities per head per diem—

10—15 gallons in AGRICULTURAL VILLAGES.

16—20 „ NON-MANUFACTURING TOWNS.

20—30 „ MANUFACTURING TOWNS.

2. **WATER MAINS.**—Cast-iron pipes should be used, and not galvanised iron pipes, or stoneware, or earthenware pipes.

Water mains should be laid at a depth of not less than three feet measured from the top of the pipes to the surface of the ground, and, except where they are intended for the supply of one or two isolated houses only, should be at least three inches in diameter.

Wash-outs or hydrants should be provided at all dead ends in the system.

3. MACHINERY.—Pumping machinery should, as a general rule, be provided in duplicate.
4. HYDRANTS.—Screw-down hydrants should be used in preference to ball hydrants.
5. PROTECTION OF SOURCES OF SUPPLY, ETC.—Sources of supply, collecting mains and chambers, and reservoirs, should be protected by unclimbable fencing.

Incidence of cost in rural districts.—Section 229 of the Public Health Act, 1875, enacts (*inter alia*) that the expenses of providing a supply of water to any contributory place within the district of a rural authority, and of maintaining any necessary works for that purpose, *if and so far as the expenses of such supply and works are not defrayed out of water rates or rents under the Act*, shall be chargeable as special expenses on such contributory place.

Rural district councils are empowered to charge water rates and water rents for the supply of water under s. 56 of the Public Health Act, 1875, and s. 9 of the Public Health (Water) Act, 1878, and may thus, to a large extent, at any rate, throw the cost of providing and maintaining the works on the actual consumers of the water. It would appear from *Horn v. Rural District Council of Sleaford* [(1898) 2 Q. B. 358; 67 L. J. Q. B. 724; 78 L. T. 722; 46 W. R. 555; 62 J. P. 502], that a rural district council supplying water in a contributory place in their district are not bound to charge sufficient water rates or rents to cover the entire expenses of providing and maintaining the supply, but that such expenses, so far as they cannot be defrayed by a reasonable water rate or water rent charged on the consumers, must be raised as special expenses by a rate on the entire contributory place.

It may also be pointed out that, under s. 10 of the Public Health (Water) Act, 1878, a rural district council are obliged to exercise their powers of charging water rates or water rents where application is made to them to do this by any five

persons rated to the relief of the poor in the contributory place. In the Sleaford case, to which attention was called in the preceding paragraph, the rural district council had received such an application.

With regard to the incidence of expenses incurred in connection with the preparation of schemes of water supply which are not carried out, see p. 343 ; and with respect to proposals to limit the cost of schemes of water supply to portions only of contributory places, see p. 811.

Borrowing powers.—The borrowing of money by a local authority under the general law for purposes of water supply is subject to the provisions of ss. 233 and 234 of the Public Health Act, 1875, which (*inter alia*) require the sanction of the Local Government Board to be obtained thereto.

Many local authorities, however, possess considerable borrowing powers in respect of such purposes under local Acts and amending Provisional Orders.

Periods for repayment of loans.—It would appear from the Report of the Select Committee on Repayment of Loans (1902) that the under-mentioned periods are usually allowed by the Local Government Board for the repayment of loans sanctioned by them for purposes of water supply.

LAND (purchase of freehold)	. . .	60 years.
EASEMENTS	. . .	Period of work for which they are required.
MAINS and PIPES	. . .	30 years.
RESERVOIRS	. . .	30 „
WATER TOWERS	. . .	30 „
PURCHASE OF EXISTING UNDERTAKING	Up to	30 „
MACHINERY	. . .	10—15 „
WASTE-WATER METERS	. . .	10 „
EXPERIMENTAL WORKS (boring)	. . .	5 „

With respect to the last-mentioned works, the Local Government Board are willing, in the event of an adequate supply of suitable water being obtained, to entertain an application

for sanction to the reborrowing for an extended period of so much of the loan as may then be properly outstanding.

Applications for sanction to loans.—I. GENERAL SCHEMES.
—Applications by local authorities for the sanction of the Local Government Board to the borrowing of money under the Public Health Act, 1875, for the execution of schemes of water supply should be accompanied by the particulars indicated in (1)—(7) below in all cases, and by those mentioned in (8)—(14) where applicable to the scheme contemplated :

- (1) A copy of a resolution of the authority directing the application to be made (a) ;
- (2) A report by the engineer giving a full description of the proposed scheme ;

NOTE.—Where the scheme is one for providing a new supply, the report should contain information as to—

- (a) The source from which the water is to be obtained ;
- (b) The population of the district to be supplied, and the expected consumption ; and
- (c) The information indicated in Form Eng. No. 17, where the water is to be obtained from a well or borehole.

If, however, the supply is to be derived from surface springs, information should be supplied as to the geological features of the source of supply, the nature of the cultivation of the surface of the drainage area, and the risk of contamination of the water from the surroundings ; and particulars should be furnished as to the daily yield of water from each spring, ascertained by careful gaugings during wet and dry weather extending over as long a period as possible. The dates on

(a) See also "RESOLUTIONS," p. 8.

which the gaugings were taken and whether during or after dry weather should be stated.

(3) Plans and sections of the proposed works (a) ;

NOTE.—The plans should include—

- (1) An Ordnance map on the scale of six inches to a mile, showing :—
 - (a) The entire boundary of the district, or, in the case of a rural district, the contributory place concerned. This should be indicated by a firm line of colour ;
 - (b) The position of all the works to be carried out (including reservoirs, mains, valves, washouts, and hydrants, and where the supply is to be obtained from springs, wells, or borings, the position of such springs, etc., and the nearest houses, cattle sheds, farm buildings, manure depôts, etc., likely to cause contamination of the water) ;
 - (c) The sizes of the mains ; and
 - (d) The names of all streets, rivers, streams, canals, railways, etc., through, along, or under which the mains will be laid.
- (2) Typical detailed drawings of reservoirs, filter beds, water towers, pumping stations, wells, borings, and other special works.

Scales for such drawings have not been prescribed by the Local Government Board, but the drawings should be on a sufficiently large scale to clearly show the proposed works ; and care should be taken to strictly comply with the instructions on the face of the official Form of Estimate for Works of Water Supply (K, No. 20) in regard to the preparation of plans.

(a) See also "PLANS," p. 6.

- (4) A detailed estimate of the cost of the scheme ;

NOTE.—Form K, No. 20, should be used for this purpose.

- (5) Particulars (in Form K, No. 2) as to the assessable value and debt of the district (or contributory place (*a*)) ;
- (6) If the area to be supplied is within the limits of any company or authority supplying water under parliamentary powers, evidence (*e.g.* copies of letters) should be furnished as to the waiver by the company or authority of their right to supply the said area or as to their inability or unwillingness to supply water proper and sufficient for the purposes for which it is required (see s. 52 of the Public Health Act, 1875) ;
- (7) If any existing works in respect of which there is a loan outstanding will be superseded by the proposed works, the particulars mentioned on p. 160, under the head of "Superseded Works," should be furnished. If no such works will be superseded, this should be stated ;
- (8) A report by a competent chemist upon an analysis of a sample of the water to be supplied should be forwarded. If the water is to be obtained from more than one source, *e.g.* from two or more springs, the report should extend to an analysis of the water from each source ;

NOTE.—If the proposed works are merely additions to or improvements of existing works in respect of which a loan has already been sanctioned by the Local Government Board, analysis of the water will not be required.

- (9) It should be stated whether provisional agreements have been entered into for the acquisition of all the lands, easements, and water rights required in connection with the scheme ;
- (10) It should be stated whether the written consents of all

(*a*) See also "FORMS," p. 6.

which the gaugings were taken and whether during or after dry weather should be stated.

(3) Plans and sections of the proposed works (a) ;

NOTE.—The plans should include—

- (1) An ordnance map on the scale of six inches to a mile, showing :—
 - (a) The entire boundary of the district, or, in the case of a rural district, the contributory place concerned. This should be indicated by a firm line of colour ;
 - (b) The position of all the works to be carried out (including reservoirs, mains, valves, washouts, and hydrants, and where the supply is to be obtained from springs, wells, or borings, the position of such springs, etc., and the nearest houses, cattle sheds, farm buildings, manure depôts, etc., likely to cause contamination of the water) ;
 - (c) The sizes of the mains ; and
 - (d) The names of all streets, rivers, streams, canals, railways, etc., through, along, or under which the mains will be laid.
- (2) Typical detailed drawings of reservoirs, filter beds, water towers, pumping stations, wells, borings, and other special works.

Scales for such drawings have not been prescribed by the Local Government Board, but the drawings should be on a sufficiently large scale to clearly show the proposed works ; and care should be taken to strictly comply with the instructions on the face of the official Form of Estimate for Works of Water Supply (K, No. 20) in regard to the preparation of plans.

(a) See also "PLANS," p. 6.

- (4) A detailed estimate of the cost of the scheme ;

NOTE.—Form K, No. 20, should be used for this purpose.

- (5) Particulars (in Form K, No. 2) as to the assessable value and debt of the district (or contributory place (a)) ;
- (6) If the area to be supplied is within the limits of any company or authority supplying water under parliamentary powers, evidence (*e.g.* copies of letters) should be furnished as to the waiver by the company or authority of their right to supply the said area or as to their inability or unwillingness to supply water proper and sufficient for the purposes for which it is required (see s. 52 of the Public Health Act, 1875) ;
- (7) If any existing works in respect of which there is a loan outstanding will be superseded by the proposed works, the particulars mentioned on p. 160, under the head of "Superseded Works," should be furnished. If no such works will be superseded, this should be stated ;
- (8) A report by a competent chemist upon an analysis of a sample of the water to be supplied should be forwarded. If the water is to be obtained from more than one source, *e.g.* from two or more springs, the report should extend to an analysis of the water from each source ;

NOTE.—If the proposed works are merely additions to or improvements of existing works in respect of which a loan has already been sanctioned by the Local Government Board, analysis of the water will not be required.

- (9) It should be stated whether provisional agreements have been entered into for the acquisition of all the lands, easements, and water rights required in connection with the scheme ;
- (10) It should be stated whether the written consents of all

(a) See also "FORMS," p. 6.

riparian owners whose rights will be injuriously affected by the scheme have been obtained as required by ss. 327 and 332 of the Act.

- (11) Where any water mains will be carried outside the district of the local authority, the proofs of compliance with the provisions of ss. 32 and 54 of the Act mentioned on p. 769, should be forwarded, if the authority are in a position to submit these documents when making the application. If they are not in a position to do this, it should be stated when the notice required by the statute was or will be given, and when it is expected that the necessary documents can be furnished ;
- (12) If it is proposed to construct a reservoir to hold more than 100,000 gallons of water, the proofs of compliance with the requirements of s. 53 of the Act mentioned on p. 860 should be forwarded, if the authority are in a position to submit these documents when making the application. If they are not in a position to do this, they should state when the notice required by the section referred to was given and when they expect to be able to furnish the necessary documents ;
- (13) If the mains are to cross a railway or canal, it should be stated whether the consent of the railway or canal company has been obtained thereto (a) ;
- (14) Where the works are required for two or more contributory places in a rural district, copies of the notices of apportionment under s. 229 of the Act of the cost of the works which will be for the *common* benefit of such contributory places, endorsed, in each case, with the date of service on the overseers, should be furnished. If, however, any of the works intended to be carried out will be for the *exclusive* benefit of any of such contributory places, a statement should be supplied showing how the amount proposed to be

(a) The Local Government Board require to be satisfied that such consents have been obtained before sanctioning loans.

borrowed in respect of each contributory place is made up. The statement should distinguish the works intended for the exclusive benefit of the contributory place.

II. EXPERIMENTAL WORKS.—The Local Government Board entertain applications from local authorities for sanction to borrow money under the Public Health Act, 1875, to defray the cost of proposed experimental works of water supply, such as trial borings, for the purpose of ascertaining whether an adequate supply of wholesome water can be obtained. Any such application should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (a) ;
- (2) A report by a competent engineer on the strata to be pierced and the probability of obtaining a sufficient supply of suitable water ;
- (3) An ordnance map on the scale of at least six inches to a mile showing by colour the position of the proposed borehole, and having marked thereon all buildings, manure depôts, arable fields, and other sources from which contamination of the water may possibly arise, a geological map of the district, and a section through the site (drawn to scale) showing the nature of the strata through which the borehole is expected to pass (b) ;
- (4) A detailed statement showing how the amount proposed to be borrowed is made up ;
- (5) Particulars (in Form K, No. 2) as to the assessable value and debt of the district (or contributory place) ;
- (6) Information as to whether a provisional agreement has been entered into which will ensure to the authority the acquisition of the land in the event of the works proving successful ; and
- (7) A definite statement that the area to be supplied is not within the limits of any company or authority supplying water under parliamentary powers.

(a) See also "RESOLUTIONS," p. 8.

(b) See also "PLANS," p. 6.

It has already been explained (see p. 848) that it is the usual practice of the Local Government Board to allow a period of five years only for the repayment of a loan sanctioned by them for experimental works of water supply, but that if an adequate supply of suitable water is obtained they are willing to consider an application for sanction to borrow the outstanding balance for an extended period. When such an application is made the Local Government Board should be furnished with the particulars indicated in the Official Form (*Eng., No. 17, Wells and Boreholes*), together with information as to the population to be supplied and the estimated daily consumption. It will not, however, be necessary to send up an ordnance map showing the position of the boring if one has already been forwarded to the Board giving this information.

III. PURCHASE OF UNDERTAKINGS.—An application by a local authority for sanction to a loan under the Public Health Act, 1875, for the purchase of an existing water undertaking should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made (*a*) ;
- (2) A copy of the resolution passed by the members of the water company under s. 63 of the Act ;
- (3) A report by an experienced water engineer, after a careful examination of the works proposed to be purchased, embodying—
 - (a) A full description of the works ;
 - (b) Particulars as to the age, situation, and condition of each portion of the works ;
 - (c) Information as to whether the water is raised by mechanical means or supplied wholly by gravitation, and, if by the former method, the height to which it has to be raised and the nature and power of the pumping machinery ; and

(a) See also "RESOLUTIONS," p. 8.

- (d) A description of the source (or sources) of supply, including information as to (i) the volume obtainable from it (or from each source as the case may be) in the driest seasons, (ii) the nature of the surroundings, and (iii) the risk of contamination of the water ;
- (4) A report by a competent chemist upon an analysis of a sample of the water from each source ;
- (5) Particulars as to (a) the number of persons supplied with water, (b) the water rights of the company, and (c) the annual income derived from the undertaking and the annual working cost, including establishment expenses and interest on capital ;
- (6) Information as to whether the company supply water outside the district of the local authority, and, if so, what area and under what statutory powers ;
- (7) A copy of any valuation of the works which may have been obtained by the authority in addition to the engineer's report ;
- (8) Information as to whether a provisional agreement has been entered into for the purchase of the undertaking ;
- (9) Plans of the works to be purchased (a) ;
- (10) A detailed statement showing how the amount proposed to be borrowed is made up ;
- (11) Particulars (in Form K, No. 2) as to the assessable value and debt of the district.

If any additions or alterations to the works are contemplated, plans, sections, and a detailed estimate (in Form K, No. 20) of the cost of such additions or alterations should also be forwarded.

In cases in which there is any doubt as to the power of the local authority to purchase the undertaking, *e.g.* where it is proposed to acquire under the Public Health Act, 1875, the

(a) See also "PLANS," p. 6.

entire undertaking of a company, who are under statutory obligation to supply water outside the limits of the district of the local authority, it would be well for the authority to seek the opinion of the Local Government Board on the point before submitting their application for sanction to any loan which may be required.

Supply of water to adjoining district.—Section 61 of the Public Health Act, 1875, enables any local authority for the time being supplying water within their own district, with the sanction of the Local Government Board, to supply water to the local authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by the Act.

This section does not enable a local authority to supply water direct to the consumers in an adjoining district, but requires the supply to be given to the local authority of such district. Agreements for the supply of water under this section should, accordingly, provide for the supply being given to the local authority and for payment for the supply being made by such local authority to the local authority who are furnishing the supply, and not directly by the consumers of the water.

If a local authority, whose water supply has been provided under the Public Health Act, 1875, desire to supply water to the local authority of an adjoining district for the use of any part of that district, they should enter into a formal agreement with the local authority of such district, the agreement being made conditional on the sanction of the Local Government Board being obtained to the proposal.

When the agreement has been executed, application should be made by the local authority who are to furnish the supply for the sanction of the Local Government Board to the proposed supply of water, and such application should be accompanied by—

- (1) A copy of a resolution of the local authority directing the application to be made ;
- (2) A copy of the agreement ; and
- (3) Information on the following points :
 - (i) Do the districts of the authorities adjoin ?
 - (ii) Was the water supply provided under the Public Health Act, 1875 ? If not, how is it considered that the provisions of s. 61 of that Act apply ?
 - (iii) Is the area to be supplied within the limits of any company or authority supplying water under parliamentary powers ? If so, give a reference to the local Act, and forward a copy of any correspondence which has taken place with the water company. In this connection the provisions of s. 52 of the Public Health Act, 1875, must not be overlooked.
 - (iv) What are—
 - (a) The daily yield of water ;
 - (b) The population at present supplied, and the average daily consumption of water per head ; and
 - (c) The population to be supplied, and the estimated daily consumption of water per head ?

Works outside district.—Section 54 of the Public Health Act, 1875, enacts that where a local authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being in force.

The restrictions referred to with respect to carrying sewers without the district are contained in ss. 32—34 of the Act,

which are set out on pp. 766, 767. The remarks and forms on pp. 767, 768, will, with the necessary modifications, apply to the laying of water mains without the district of a local authority under the Public Health Act, 1875.

Construction of reservoirs.—Section 53 of the Public Health Act, 1875, provides that at least two months before commencing to construct under the provisions of the Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the local authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the local authority at any time within the said two months, the intended work shall not be commenced without the sanction of the Local Government Board, after such inquiry as hereinafter mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to them on the matters with respect to which such inquiry was directed; and, on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work.

It will be observed that notice is only necessary under this section where the reservoir will hold *more* than 100,000 gallons of water.

A form of notice to be advertised under this section is not issued by the Local Government Board; but the following form will be found sufficient for the purpose :

FORM OF ADVERTISEMENT.

The Public Health Act, 1875.
(38 & 39 Vict. c. 55, s. 53.)

Construction of reservoir to hold more than 100,000 gallons
of water.

1. Notice is hereby given that the (a) _____

after the expiration of two calendar months from the
advertisement of this notice, intend to construct (b) _____

And notice is hereby further given that notice of objection
to the intended work by any person who would be
affected by such work must be in writing, and may be
served on the aforesaid local authority at any time
within the said two months.

Dated this day of 19 .

(Signed) _____

Town Clerk, or Clerk to the Council.

The terms of s. 53 leave the number of newspapers in which
the notice is to be advertised to the discretion of the local
authority. One advertisement only would be a sufficient com-
pliance with the section; but it will, no doubt, be considered

(a) Insert name of local authority, *e.g.* the mayor, aldermen, and burgesses
of the borough of _____, acting by the council, or the urban district council
of _____, or the rural district council of _____ (as the case may be).

(b) Describe the kind of reservoir to be constructed, and its capacity and
situation, *e.g.* a service reservoir to hold 150,000 gallons of water on land
abutting on _____ Road in the said borough.

desirable in some cases to advertise the notice in more than one newspaper. The newspaper or newspapers must circulate within the district where the reservoir is to be constructed.

If the local authority propose to apply to the Local Government Board for sanction to a loan under the Public Health Act, 1875, for the execution of works of water supply (including the construction of a reservoir to hold more than 100,000 gallons), they should give the notice required by s. 53 as soon as possible, as it is the usual practice of the Local Government Board to defer arranging for a local inquiry to be held with regard to the application for sanction to the loan until the time allowed by the statute for the service of objections has expired, in order to avoid the further inquiry which would be necessary in the event of any objection being made under the section and not withdrawn.

Immediately after the expiration of the period allowed by the statute for the service of objections, the Board should be furnished with a copy of the newspaper (or newspapers) containing the advertisement of the notice, and with a copy of any notice of objection that may have been served on the local authority. If no such objection has been made this should be stated; but if any such objection has been made and not withdrawn, a copy of a resolution of the local authority requesting the Local Government Board to appoint an inspector to make the inquiry and report contemplated by the section should be forwarded.

Fixing general scale of charges.—Section 62 of the Public Health Act, 1875, enacts that, where it appears to a local authority, that is to say, a town council, urban district council, or rural district council, on the report of their surveyor, that any house within their district is without a proper supply of water, and that such supply can be furnished thereto at a cost not exceeding the water rate authorised by any local Act in force within their district, or where there is not any local Act so in force, at a cost not exceeding twopence a week, or at such other cost as the Local Government Board may, on

the application of the local authority, determine under all the circumstances of the case to be reasonable, the local authority shall give notice in writing to the owner, requiring him within a time therein specified, to obtain the supply, and to do all such works as may be necessary for that purpose.

And s. 8 of the Public Health (Water) Act, 1878, provides that, where application is made by a local authority to the Local Government Board under s. 62 of the Public Health Act, 1875, to determine what is a reasonable cost within the meaning of that section, the Board may fix, by Order, a general scale of charges for the whole or any part of the district of the local authority, and the cost of the supply of water to any house within the area specified in the Order shall be deemed to be determined to be a reasonable cost within the meaning of that section, if it does not exceed the cost authorised by that general scale of charges.

It will be seen from the terms of s. 62 of the Act of 1875 that it is only where there is not a local Act in force authorising a water rate, and where the cost of furnishing a proper supply of water to a house will exceed twopence a week, that the Local Government Board are empowered to determine the reasonable cost at which a supply of water may be furnished *compulsorily* to houses which are without a proper supply.

In cases where water is taken voluntarily, the local authority are empowered to charge water rates or water rents under s. 56 of the Public Health Act, 1875, and no approval on the part of the Local Government Board is required to charges under that section.

An application by a local authority to the Local Government Board under these enactments to fix a general scale of charges for the compulsory supply of water to houses within the whole or part of their district should be accompanied by (1) a copy of the resolution of the authority directing the application to be made, (2) information as to whether there is a local Act in force in the district, and if so, particulars as to the rate chargeable under the local Act, and (3) a copy of the exact scale of charges proposed to be made.

To assist authorities in settling such a scale the following specimen scales taken from Orders of the Local Government Board are given :

SPECIMEN I.

For the supply of water to any house the rateable value of which is £5 10s. 0d. or upwards, the charge shall be at the rate of £8 per centum per annum upon the rateable value of the house.

For each water-closet (except where there is only one, or except the first where there are more than one) the charge shall be at the rate of five shillings per annum.

For each fixed bath of a capacity of not less than twenty gallons and not more than fifty gallons, the charge shall be at the rate of ten shillings per annum.

For the purposes of the foregoing scale, the rateable value of any house shall be ascertained from the valuation list for the time being in force, or, if there be none, then from the current poor rate.

SPECIMEN II.

For the supply of water to any house of a gross estimated rental not exceeding £8, the charge shall be at the rate of threepence per week.

For the supply of water to any house of a gross estimated rental exceeding £8, the charge shall be at the rate of £7 10s. 0d. per centum per annum on the gross estimated rental of the house : provided that the minimum charge in any such case shall be thirteen shillings per annum.

For each water-closet (except where there is only one, or except the first where there are more than one) the charge shall be at the rate of six shillings per annum.

For each fixed bath of a capacity of not less than twenty gallons (except where there is only one such bath, or except

the first where there are more than one), the charge shall be at the rate of ten shillings per annum.

For the purposes of this scale, the gross estimated rental of any house shall be ascertained from the valuation list for the time being in force, or, if there be none, then from the current poor rate.

SPECIMEN III.

Rateable Value of House.				Charge per Annum.			
	£	s.	d.		£	s.	d.
Exceeding	6	0	0	Not exceeding	6	0	0
	7	0	0	and not exceeding	7	0	0
"	8	0	0	"	8	0	0
"	9	0	0	"	9	0	0
"	10	0	0	"	10	0	0
"	11	0	0	"	11	0	0
"	12	0	0	"	12	0	0
"	13	0	0	"	13	0	0
"	14	0	0	"	14	0	0
"	15	0	0	"	15	0	0
"	16	0	0	"	16	0	0
"	17	0	0	"	17	0	0
"	18	0	0	"	18	0	0
"	19	0	0	"	19	0	0
"	20	0	0	"	20	0	0
"	21	0	0	"	21	0	0
"	22	0	0	"	22	0	0
"	23	0	0	"	23	0	0
"	24	0	0	"	24	0	0
"	25	0	0	"	25	0	0
				£1 13s. 8d. for the first £25 0s. 0d. of rateable value, and an additional charge at the rate of £6 per centum on each pound of rateable value above the said £25 0s. 0d.			

Provided that in the case of any house to which a supply is furnished in accordance with the above scale, such of the following additional charges as apply shall be made:—

	Per Annum.
	£ s. d.
For each water-closet (except where there is only one, or except for the first where there are more than one)	0 10 0
For each fixed bath of a capacity of not less than twenty gallons	0 8 0

The rateable value shall, for the purpose of this scale, be ascertained from the valuation list for the time being in force, or, if there be none, then from the current poor rate.

Determination of reasonable cost under s. 3 of Public Health (Water) Act, 1878.—This section provides that, where it appears to a rural district council, on the report of their inspector of nuisances or medical officer of health, that any occupied dwelling-house within their district has not within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house, they may take proceedings to compel the owner to furnish such supply, if they are of opinion that it can be furnished at a reasonable cost, not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to twopence a week, or at such other cost as the Local Government Board may determine to be reasonable, but not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to threepence a week.

Under this section, which applies only to rural district councils, the determination of the Local Government Board is not required where the supply can be provided at a cost which will not exceed a capital sum the interest on which at the rate of five per centum per annum will amount to twopence a week, that is to say, the sum of £8 18s. 4d.; and the reasonable cost to be determined by the Board must not exceed a capital sum the interest on which at the rate of five per centum per annum would amount to threepence a week, that is to say, the sum of £13.

The Local Government Board have expressed the opinion that the limit of cost laid down in this section refers to each house separately considered, and that, where the cost of providing any house with water would exceed the limit, the rural district council cannot require a supply to be furnished under that section, even if it appears that the cost of a supply for two or more houses would, if distributed equally over those houses, be within the specified limit.

An application by a rural district council to the Board to issue an Order determining the reasonable cost at which

houses may be provided under this section with a sufficient supply of wholesome water should be accompanied by—

- (1) A copy of a resolution of the rural district council directing the application to be made ;
- (2) A copy of the report made to the rural district council by their inspector of nuisances or medical officer of health ;
- (3) Information (for purposes of identification) as to the situation of the houses, the full name (Christian and surname) of the owner and occupier of each house, and the name of the contributory place in which the houses are situated ;
- (4) An estimate of the cost of providing a supply of water to each house (without regard to any other house which might be furnished with a supply at the same time) ; and
- (5) Information as to whether the contributory place in which the houses are situate is within the limits of any company or authority supplying water under parliamentary powers.

Appeal by owner against requirement to provide supply.

—Section 4 of the Public Health (Water) Act, 1878, enables an owner who has been required by notice of a rural district council to provide a supply of water to his house, and who objects to the requirement, to appeal by memorial against the requirement.

It will be observed that the memorial of the owner stating his objections to the requirement of the rural district council to provide a supply of water for his house must be addressed to that council within twenty-one days after the service on such owner of the second notice under s. 3 (2) of the Act, and that the Local Government Board have no jurisdiction in the matter unless the objections are or include the fourth and fifth of the grounds mentioned in s. 4 or either of them. Where, however, the objections include either or both of these

grounds, the statute requires the rural district council to forward a copy of the memorial to the Local Government Board who may either cancel the requirement of the council or confirm the same with or without modification.

The rural district council should at the same time submit their observations on the memorial, together with—

- (1) A copy of the report made to them by their inspector of nuisances or medical officer of health prior to the service on the owner of the notice requiring him to provide a supply of water for his house ;
- (2) A copy of each notice served on the owner ;
- (3) An estimate of the cost of providing a supply of water to such house (without regard to any other house which might be furnished with a supply at the same time) ;

NOTE.—As to the limitation of cost in s. 3 of the Act, see p. 864.

- (4) Information as to whether the contributory place is within the limits of any company or authority supplying water under Parliamentary powers.

APPLICATIONS BY URBAN AUTHORITIES TO BE INVESTED WITH POWERS OF RURAL DISTRICT COUNCILS UNDER THE PUBLIC HEALTH (WATER) ACT, 1878.

General instructions.—Section 11 of the Act of 1878 enables the Local Government Board by Order, to invest any urban sanitary authority with all or any of the powers and duties which are by that Act given to a rural sanitary authority.

The annual reports of the Local Government Board show that the powers of a rural district council under this Act which are most frequently conferred on urban authorities by Orders of the Board are those contained in ss. 6, 7, and 9, though in some cases those of ss. 3, 4, and 5 are given ;

while, occasionally, an urban district council are invested with the whole of the powers and duties of a rural district council under the Act.

It is stated in the Board's Report for 1896—97 (p. cxxvii.) that they consider that it was not intended that recourse should be had to the powers conferred by the earlier sections of the Act in cases where the circumstances indicate that a general scheme of public water supply is needed; and an instance is cited in which an urban district council applied for an Order investing them with all the powers and duties of a rural district council under the Act, but, as the result of a local Inquiry which was held on the subject by one of their inspectors, the Board ascertained that the existing houses in the district were for the most part comprised within a comparatively limited space and were thus favourably situated for the distribution from a public source of the requisite supply. In these circumstances, the report continues, the Board considered that the urban district council should undertake to prepare a general scheme of water supply for their district, and they refused to make the Order applied for.

An application under s. 11 for an Order of the Local Government Board investing an urban authority with the powers and duties of a rural district council under the Act should be accompanied by—

- (1) A copy of a resolution of the authority directing the application to be made;

NOTE.—The resolution should specify the particular sections of the Act which contain the powers desired, and should state whether the powers are wanted for the entire district or only part thereof. In the latter case, a precise verbal description of the boundary of the area should be embodied in the resolution.

- (2) An ordnance map (a) showing by a continuous firm line of colour the entire boundary of the district or

(a) See also "PLANS," p. 8.

part of the district to which the application relates. Where the application relates to s. 9, there should also be marked on the map the position of (i) the various houses within 200 feet of any existing or proposed standpipe, (ii) existing and proposed standpipes, and (iii) water mains.

NOTE.—A map on the scale of six inches to a mile will, no doubt, in most cases be found sufficient for the purpose.

- (3) A report by the medical officer of health with reference to the application ;
- (4) Information as to whether the district or part thereof (if part only is included in the application) is within the limits of any company or local authority supplying water under parliamentary powers ;
- (5) Where the application relates to s. 9, a statement showing (i) the number of dwelling-houses within two hundred feet of any standpipe erected or proposed to be erected by the urban authority, and (ii) the number of such houses which have within a reasonable distance and from other sources a supply of wholesome water sufficient for the consumption and use of the inmates of such houses ; and
- (6) A statement of the grounds on which the application is based.

Special Notes.—In connection with applications by town councils and urban district councils for the powers of a rural district council under the Public Health (Water) Act, 1878, the following notes should receive attention :—

SECTION 3.—The authority should be in a position to show that a good supply of water by means of wells or otherwise is obtainable, and that, in the case of each house (without regard to any other house which might be furnished with a supply at the same time), the supply could be provided within the limit of cost specified in the section.

SECTIONS 4 and 5.—These sections are only applicable where s. 3 is in force.

SECTION 6.—The Local Government Board express some doubt as to whether, if the powers of this section were conferred on an urban authority, the effect would be to impose on owners in the urban district the duty imposed by the section on owners of dwelling-houses in rural districts; but the section has been put in force in some instances, generally, it would seem, in conjunction with other sections of the Act.

SECTION 7.—The authority should be able to show that the powers already possessed by them under the Public Health Act, 1875, are not sufficient for the purpose in view.

SECTION 8.—This section applies to an urban authority as well as to a rural district council; and an Order of the Board is, consequently, not required to enable any such authority to exercise the powers of the section.

SECTION 9.—The powers of this section would not be available in the case of an area which derives its water supply wholly from wells; and the section, it will be observed, gives no power to recover water rates or water rents in respect of dwelling-houses situated beyond two hundred feet from a standpipe. Any urban authority applying for the powers of this section should be in a position to show that the circumstances of the district are not such as to require that water should be laid on to the houses, and that the powers, if conferred, can be applied with advantage.

Parliamentary and other papers.—The following are some of the returns, etc., which have been issued with reference to the water supplies of districts outside London.

I. PUBLICATIONS OF LOCAL GOVERNMENT BOARD (*a*).

REPORT on the water supply of Holderness (East Riding of Yorkshire). [1905. *Price 9d.*]

CIRCULAR LETTER of Local Government Board, dated January 12th, 1898, as to water supplies in districts partly within limits of supply of water companies. [*Price ½d.*]

(*a*) Copies of these can be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

CIRCULAR LETTER of Local Government Board, dated December 17th, 1897, as to water supplies in districts not within limits of supply of water companies. [*Price ½d.*]

REPORT of Dr. S. Copeman with respect to enteric fever at Fulbourn Asylum near Cambridge, with special reference to risk of pollution of underground water supplies by the sewage of the asylum. [*No. 229. Price 1s.*]

REPORT by Dr. H. T. Bulstrode on the water supply of Bridgend Urban District and the relation thereto of the prevalence of enteric fever. [*No. 189. Price 1s. 6d.*]

REPORT by Dr. S. W. Wheaton on water supplies in the Norton Rural District. [*No. 184. Price 4d.*]

REPORT by Dr. S. W. Wheaton on the sources of water supply for the borough of Carnarvon. [*No. 180. Price 2d.*]

REPORT by Dr. R. Bruce Low on the public water service provided by the Bury Corporation for the supply of Bury and certain neighbouring districts. [*No. 126. Price 1s.*]

REPORT by Dr. Theo. Thomson on the conditions, etc., of the Havant Urban and Rural Districts in their relations with the sources of the Borough of Portsmouth company's water supply. [*No. 122. Price 1s. 3d.*]

REPORT by Dr. R. Bruce Low on the circumstances of the river Trent in Lincolnshire and part of Nottinghamshire, with special reference to the water supplies of populations resident on or near the banks of the river, and to the occurrence amongst those populations of enteric fever. [*1894. Price 1s. 6d.*]

II. PARLIAMENTARY PAPERS (a).

RETURN giving various particulars for the year 1887, with respect to the water undertakings of the boroughs of

(a) Copies of these may be purchased either directly or through any bookseller from Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

Bradford, Leeds, Huddersfield, Hull, Sunderland, Newcastle-on-Tyne, Nottingham, Leicester, Bristol, Swansea, Blackburn, Bolton, Oldham, Preston, Manchester, Liverpool, Edinburgh, Glasgow, Dundee, Dublin, and Belfast (in continuation of Parliamentary Paper No. 397, of Session 1882, including additional places and information).—MR. FIRTH. [No. 367. 1888. *Price 4d.*]

COPY of Queries addressed by the Local Government Board to the town clerks of Birmingham, Bradford, Leeds, Liverpool, and Manchester with reference to certain particulars in the Return No. 397, "Water Supply," of Session 1882; and the replies thereto.—MR. THOROLD ROGERS. [No. 109. 1883. *Price 1d.*]

RETURN giving certain particulars with respect to the water undertakings of the corporations of the boroughs of Birmingham, Bradford, Leeds, Liverpool, and Manchester.—MR. THOROLD ROGERS. [No. 397. 1882.]
(See also Return No. 367 of Session 1883 in continuation of this.)

RETURN showing the means by which drinkable water is supplied to every urban sanitary district in England and Wales, such means being provided by public or private arrangements, and giving the following information with regard to each district—

1. The name and population, according to the census of 1871;
2. The source from which water is supplied;
3. The arrangements made for the supply by reservoir, wells (artesian or otherwise), rivers (if filtered or not), or any other arrangements;
4. Amount of daily supply, and whether or not the supply is sufficient;
5. Whether the supply is constant or not, and the quantity used daily;
6. The rateable value of the district;
- 7. The capital cost of the permanent works, if any;

8. The annual payment for principal and interest on money borrowed for the works ;
9. The average annual cost of maintaining the works ;
10. The annual amount of the water rates and rents, if any ;
11. The Act of Parliament or other authority under which the works have been executed ;
12. What improvements, if any, are considered necessary.—MARQUIS OF STAFFORD. [No. 265. 1879. Price 1s. 8d.]

III. PUBLICATIONS OF THE LONDON COUNTY COUNCIL (a).

Municipal Water Works (Terms of Purchase).—Return showing the nature of the terms on which the undertakings of water companies in the county boroughs of England and Wales have been purchased by the corporations. [No. 317. Price 5d.]

Thames Watershed Sanitary Authorities.—Return for the year ended March, 1891, of the area, population, rateable value, receipts from rates and other sources, and expenditure on sanitary work in respect of the several sanitary authorities having jurisdiction in the watershed of the river Thames. [No. 182. 1893. Price 8d.]

In addition to the above-mentioned publications, attention is also drawn to the *Municipal Corporations (Reproductive Undertakings) Returns* of 1899 and 1902, and the *Councils of Boroughs in England and Wales (Indebtedness) Return* of 1904, particulars of which are given in Part XLVI., "Parliamentary and other papers."

(a) Copies may be purchased from Messrs. P. S. King & Son, Great Smith Street, Westminster, London, S.W.

PART LXVIII.—WORKHOUSES AND OTHER POOR LAW BUILDINGS.

Statutory Provisions.—There are numerous provisions throughout the poor law statutes relating to the purchase and hiring of land, and the erection of workhouses and other poor law establishments. Section 23 of the Poor Law Amendment Act, 1834, enabled the Poor Law Commissioners (now the Local Government Board) by Order, and with the consent of a majority of the guardians, to direct the guardians to purchase or hire land and erect thereon workhouses; or to purchase or hire existing workhouses or buildings capable of being converted into workhouses; or to enlarge or alter workhouses. The term “workhouse” includes any house in which the poor of any poor law union shall be lodged and maintained, or any house or building purchased, erected, hired, or used at the expense of the poor rate for the reception, employment, classification or relief of any poor persons therein at the expense of the parish.

By virtue of s. 8 of the Poor Law Amendment Act, 1866, the Local Government Board are empowered to sanction by letter and without an Order expenditure on the enlargement, alteration, or improvement of workhouses at a cost not exceeding £500, and by s. 13 of the Poor Law Amendment Act, 1867, to sanction by letter the hiring of land and buildings for poor law purposes for a term not exceeding five years.

By virtue of s. 44 of the Poor Law Amendment Act, 1844, boards of management of district schools, and by virtue of s. 15 of the Metropolitan Poor Act, 1867, the boards of management of asylum districts formed under that Act, have, for the purposes of providing district schools and asylums, practically the same power as boards of guardians relative to

the purchase or hiring of lands and the erection, etc., of buildings.

Order of Local Government Board required to expenditure.

—With the exception above-mentioned an Order of the Local Government Board is required to authorise all purchases of land and hirings by guardians and boards of management and all expenditure on structural alterations. No sanction of the Board is required to expenditure on repairs or on fixtures, fittings, and furniture, unless the expenditure is to be defrayed out of borrowed moneys.

Purposes for which expenditure and loans are authorised.

—The Orders issued by the Board have authorised the necessary expenditure, and, when necessary, the borrowing of money in connection with the provision of workhouses, infirmaries, poor law schools, casual wards, asylums and hospitals, board-rooms and offices, relief stations, and other poor law establishments, and their furniture and equipment.

Applications to Local Government Board to authorise expenditure and loans.—An application by a board of guardians or managers of a school or asylum district to the Local Government Board to authorise expenditure, and, where this is desired, the borrowing of money to defray such expenditure in connection with workhouses, school buildings, infirmaries, relief offices, and other buildings for poor law purposes, should be accompanied by the following particulars, so far as they are applicable—

- (1) A plan or plans (on tracing-cloth) of the land to be acquired or works to be carried out (a) ;
- (2) An estimate (in Form 110A) (b) of the cost of the proposed works. If, however, this form is not appropriate, a statement should be furnished showing how the amount proposed to be expended is made up ;

(a) See also "PLANS," pp. 5—7.

(b) See also "FORMS," p. 5.

- (3) Where land is to be purchased (i) information as to whether a provisional agreement for purchase has been entered into, and (ii) an assurance that there are no restrictive covenants attaching to the land which would prevent its free use for the purpose intended or for any of the purposes of the union; and
- (4) Where land is to be hired, full particulars of the terms of hiring and a similar assurance as to restrictive covenants.

In the preparation of the plans particular attention should be paid to the various requirements of the Local Government Board as indicated in the memoranda, etc., issued by them, which are referred to later.

In the event of the Board deciding to authorise (*a*) the expenditure and (where this is the case) the borrowing of money in respect thereof, instructions are given by them as to the steps to be taken for obtaining the consent of the guardians in pursuance of s. 12 of the Divided Parishes and Poor Law Amendment Act, 1882, which is a requisite preliminary to the issue of an Order by the Board.

The Board's consent to the period for the repayment of the loan is usually embodied in the letter forwarding the Order.

Borrowing powers.—The borrowing of money by boards of guardians and managers of school and asylum districts is chiefly regulated by the Poor Law Acts of 1889 and 1897, the material provisions of which in relation to borrowing are set out on pp. 125—128.

The consent of the Local Government Board to the borrowing is required, and that consent is most frequently embodied in the Order authorising the expenditure.

The following table gives the enactments conferring the

(*a*) In some cases, expenditure is authorised by letter, under s. 8 of the Poor Law Amendment Act, 1866 (29 & 30 Vict. c. 113).

876 PART LXVIII.—WORKHOUSES, POOR LAW BUILDINGS.

borrowing power and the limitation on the amount of such power:—

I. GUARDIANS AND MANAGERS OF SCHOOL AND SICK ASYLUM DISTRICTS.

Enactments regulating Borrowing Powers.	Limitations as to amount (unless extended).
<p>Poor Law Act, 1889, s. 2; and Poor Law Act, 1897, s. 1.</p>	<p><i>Guardians</i>.—Total debt of guardians not to exceed $\frac{1}{10}$th of the total annual rateable value of the union. (Poor Law Act, 1889, s. 2 (2).) <i>School Districts</i>.—Total debt of managers not to exceed $\frac{1}{10}$th of the total annual rateable value of district. (Poor Law Act, 1889, s. 2 (5).) <i>Sick Asylum Districts</i>.—Total debt of managers not to exceed $\frac{1}{10}$th of the rateable value of the district. (Poor Law Act, 1897, s. 2.)</p>

II. MANAGERS OF METROPOLITAN ASYLUM DISTRICT.

<p>Poor Law Act, 1889, s. 2, as applied by Poor Law Act, 1897, s. 2 (see also s. 104 (3) of Public Health (London) Act, 1891).</p>	<p>Total debt of managers not to exceed $\frac{1}{10}$th of the rateable value of the district (a). (Poor Law Act, 1897, s. 2.)</p>
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The maximum amount which can be borrowed by each of the various authorities referred to, can be extended by the Local Government Board by Provisional Order under s. 2 (3) of the Act of 1889 to double the specified amount.

An application under that enactment for a Provisional Order authorising an extension of borrowing power should be formally made under the seal of authority, and should give particulars as to (a) the total rateable value of the union or district (as the case may be) as ascertained from the valuation lists in force therein, and (b) the total existing debt of the authority under the Acts relating to the relief of the poor. It should also state what extension is required and on what grounds the application is based.

The following is a list of the cases in which, up to the end

(a) This maximum was extended to double the amount by a Provisional Order of the Local Government Board, confirmed in 1902 (see *post*). *

of the session of 1906, borrowing powers of poor law authorities have been extended by Provisional Order under the enactment referred to—

Authority.	Maximum extended to.	Act confirming Provisional Order.
<i>Guardians of under-mentioned unions, incorporations or Parishes—</i>		Local Government Board's Provisional Order (or Orders) Confirmation (Poor Law) Act—
Greenwich	Double	1899
Hammersmith	Double	1905
Hursley	Double	1900
Newhaven	Double	1898
Poplar	Double	1905
St. George-in-the-East	Double	1895
St. Giles, Camberwell	Double	1901
St. Matthew, Bethnal Green	Double	1896
St. Olaves	Double	1898
Southampton	$\frac{3}{4}$ ths of total annual rateable value	1901
Stepney	Double	1901
Stourbridge	Double	1904
Wolverhampton	$\frac{3}{4}$ ths of total annual rateable value	1899
<i>Managers of Metropolitan Asylum Districts</i>	Double	1902

Periods for repayment of loans.—The maximum period which can be sanctioned by the Local Government Board for the repayment of money borrowed under the Poor Law Acts is 60 years (see s. 1 (1) of the Poor Law Act, 1897). This period is, however, only allowed by the Board in some cases of loans for the purchase of land; the periods usually allowed by them in respect of loans for the buildings and the provision of furniture and fittings being—

New buildings	30 years
Alteration to existing buildings	15—30 „
Furniture and fittings	10—15 „

The following letter was addressed by the Board to Mr. J. W. Sidebotham, M.P., with regard to their powers in determining the period which should be sanctioned for the repayment of loans raised by the poor law authorities—

Local Government Board,
Whitehall, S.W.,
18th January, 1898.

SIR,

I am directed by the Local Government Board to state that they have had under their careful consideration the representations made to them in communications from Boards of Guardians, and those submitted by the Deputation which recently had an interview with the President, on the subject of the periods which should be sanctioned under the Act of last Session (The Poor Law Act, 1897) for the repayment of loans raised by Poor Law Authorities.

It has been urged on the Board that the Act contemplates that the Guardians should determine the period within 60 years within which a loan is to be repaid, and that the Board's power is limited to sanctioning the period so determined. The Board cannot concur in this view. They consider that the responsibility as to the period for which a loan is raised rests with them; and as the interests of the ratepayers whom the Guardians represent are entirely different from the interests of the ratepayers in future years with respect to the period within which a loan should be repaid, the Board, in the exercise of their powers, must have regard not only to the wishes of the present Guardians but to the burden which the loan may entail on the ratepayers of subsequent years. The terms of the section of the Act in question are almost precisely the same as in the Public Health Act of 1875, and the principle which the Board have referred to above has always been that on which they have acted in the case of the Local Authorities to whom the latter Act applies.

The maximum period for which a Board of Guardians could under any circumstances borrow was 30 years, and as it has been the practice of the Board to authorise a term of 50 or 60 years for the repayment of a loan for the purchase of land by Local Authorities under the Public Health Act, 1875, it appeared to them,—having regard to the fact that it often occurred that Guardians were under the necessity of purchasing sites for buildings, and frequently at heavy cost in consequence of the sites being either in or in the neighbourhood of large towns,—that it was right that they should be placed in no worse position than the Local Authorities who were empowered to borrow under the Public Health Act; and

it was for this reason that the Poor Law Bill was introduced, and that the clause in that Bill referring to the period for the repayment of loans was framed in terms almost identical with those in the Public Health Act.

The proposals which have been made by Guardians as to the periods within which loans raised by them should be repaid would be wholly inconsistent with the principle which, except in some few instances under circumstances of exceptional character, the Board have adopted during a long period of years.

The Board think it also right to point out that it has been the tendency of Parliament in late years to restrict the terms for which loans are raised. In the case of municipal corporations under the Municipal Corporations Act, 1882, Town Councils are not empowered to borrow for more than 30 years, and under the Local Government Act, 1888, the maximum period for repayment in the case of loans by County Councils is also 30 years, although the purposes for which these authorities borrow include the erection of Lunatic Asylums, Court-houses, Police Stations, Town Halls, etc.

The Board regret that under these circumstances they cannot hold out any expectation that they will be able to sanction, in the case of loans to Guardians, the long periods for repayment which have been suggested, or that, in the exercise of their powers under the Act in question, they will feel justified in departing from the general principles which they have adopted during many years in the case of loans to other Local Authorities to whom provisions similar to those in the Act of last Session apply.

I am, Sir,

Your obedient Servant,

HUGH OWEN,

Secretary.

J. W. SIDEBOTHAM, Esq., M.P.

Circulars, etc., of Local Government Board.—The under-mentioned circulars and memoranda in relation to work-houses and separate homes have been issued by the Board :—

I. ON SALE (a)—

Workhouses :—

ADMINISTRATION. Circular. 29th Jan., 1895. [*Price 2d.*]

CLASSIFICATION in. Circular Letter. 31st July, 1896.
[*Price 1d.*]

DIETARIES in :—

CIRCULAR. 11th Oct., 1900. [*Price 1d.*]

SCHEDULE B, FORM A. Xmas and Lady Day Quarters.
[*Price 1d.*]

Do. Do. Midsummer and Michaelmas
Quarters. [*Price 1d.*]

SICK. Nursing of. General Order 35,540. 6th Aug.,
1897. [*Price 1d.*]

Do. Circular. Guardians. 7th Aug., 1897. [*Price 1d.*]

SICK WARDS. Nursing in. Extracts from Memo. of Dr.
Downes. April, 1892. [*Price 1d.*]

II. OTHER MEMORANDA (b)—

Workhouses :—

Extracts from Memorandum entitled Points to be
attended to in the construction of Workhouse
Buildings. Sept., 1891.

Accommodation for short-period Lunatics. Require-
ments and Suggestions. Sept., 1891.

Cottage Homes :—

Memorandum on the provision of Grouped Cottage
Homes for Children. 13th January, 1904.

Memorandum as to the conditions which the Local
Government Board will require to be complied with

(a) Copies may be purchased either directly or through any bookseller from
Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C.

(b) Copies of these are supplied by the Local Government Board on request.

when the system of Separated Homes is adopted by Guardians, subject to the consideration by the Board of the special circumstances in particular cases. August, 1896.

Parliamentary Papers.—As to these, reference should be made to Part XLVI., “Parliamentary and other papers.”

PART LXIX.—MISCELLANEOUS.

I. POOR LAW.

Certified schools.—Where it is desired that a school (*a*) should be certified by the Local Government Board as fitted for the reception of such children or persons as may be sent there by Boards of Guardians in pursuance of the Poor Law (Certified Schools) Act, 1862 (25 & 26 Vict. c. 43), formal application to the Board to certify it under s. 2 of that Act, should be made by the managers (or a majority of the managers) of the institution.

The application should be made in the official form prepared for the purpose (No. 33A) (*b*), and should be accompanied by a copy of the rules under which the school is carried on, if this can conveniently be supplied, and with full information as to its general management and the nature of the mental or industrial instruction imparted to the inmates.

A list of schools certified under this Act is contained in "The Local Government Manual," published by Shaw & Sons.

Election questions.—It would appear that the Local Government Board do not advise upon questions as to the validity of elections under the Local Government Act, 1894, or of any proceedings in connection therewith.

Applications with respect to the removal of difficulties arising in connection with elections of parish or district councillors or guardians should be addressed to the county council and not to

(*a*) In regard to the definition of "school," see s. 10 of the Poor Law (Certified Schools) Act, 1862; s. 3 of the Poor Law Amendment Act, 1868 [31 & 32 Vict. c. 122]; and s. 13 of the Elementary Education (Blind and Deaf Children) Act, 1893 [56 & 57 Vict. c. 42].

(*b*) See also "Forms," p. 5.

the Local Government Board. The county council are empowered to deal with such matters by s. 1 of the Local Government (Elections) Act, 1896 (59 Vict. c. 1).

Paupers, relief of.—The Local Government Board state that, subject to the regulations in force in the particular poor law union, it rests with the guardians of the union to decide in what manner relief, when it is needed, should be given, whether in or out of the workhouse; and that the Board cannot interfere with the discretion of the guardians in this respect, nor for the purpose of ordering relief in any individual case, being expressly prohibited by law from so doing.

Paupers.—**MAINTENANCE IN WORKHOUSE OF ANOTHER UNION.** A proposal by a board of guardians to enter into an agreement with another board of guardians for the reception and maintenance of paupers should be submitted in draft for the preliminary approval of the Local Government Board in the form which has been prepared by that department for this purpose. Copies of the form (No. 90A) are supplied on request.

If the draft meets with the approval of the Local Government Board, it is returned with a request that the agreement when executed may be forwarded to them for their seal to be affixed, accompanied by the approved draft.

Paupers.—**SETTLEMENT, REMOVAL AND CHARGEABILITY.** Under s. 12 of the Poor Law Amendment Act, 1851 (14 & 15 Vict. c. 105), questions as to the settlement, removal, or chargeability of paupers can be submitted for the decision of the Local Government Board by means of an agreement in writing, executed in respect of boards of guardians under their common seals, and, in respect of overseers, by the signatures of a majority of them. The agreement should embody a full and clear statement of the facts of the case, which might conveniently be arranged in numbered paragraphs. The question upon which the Board's decision is desired should be clearly

The following remarks appeared in p. xcviii. of the 27th Annual Report of the Local Government Board (1897—98):—

“Under s. 12 of the Poor Law Amendment Act (14 & 15 Vict. c. 105), any two boards of guardians between whom a question affecting the settlement, removal, or chargeability of any poor person may arise, can, by a written agreement, submit the question to us for decision, and we are empowered, if we see fit, to determine the question by an Order. An Order thus made is in all courts and for all purposes final and conclusive between the guardians submitting the question. Boards of guardians are thus enabled to avoid the costs which would be incurred if the question were submitted to the ordinary tribunals for decision. We issued during the year seven Orders dealing with such cases. It would be a matter of satisfaction if boards of guardians more generally resorted to this inexpensive mode of obtaining a decision upon disputed questions to which the section replies.

“A Return (*Parliamentary Paper*, No. 354, *Session* 1897) was prepared by us pursuant to an Order of the House of Commons, dated 9th April, 1897, showing the law charges paid by Boards of Guardians in England and Wales in each of the years ended on the 25th March, 1895, 1896, and 1897, in respect of disputed cases of settlement and removal of paupers, and the number of cases to which these charges related where Orders of Removal were (a) granted, (b) refused. The Returnee showed that the yearly expenditure was £1869, £1246, and £1591.”

Payment of debts.—An application to the Local Government Board, under s. 1 of the Poor Law (Payment of Debts) Act, 1859 (22 & 23 Vict. c. 49), for an Order extending the time for the payment of a debt should be accompanied by the account to which the application relates, and, if the payment is to be made to another authority in pursuance of an agreement, by a copy of such agreement. If the debt is due under a vaccination or other contract, it will generally be advisable to send the contract to the Board with the application for the Order.

Resignations of guardians and rural district councillors.

—Section 11 of the Poor Law Amendment Act, 1842 (5 & 6 Vict. c. 57), as amended by s. 2 of the Local Government Board Act, 1871 (34 & 35 Vict. c. 70), enables the Local Government Board to accept the resignation of any person elected as a guardian tendered for any cause which they may deem reasonable. The same provisions apply to rural district councillors by virtue of s. 24 (3) of the Local Government Act, 1894.

Resignations of guardians and rural district councillors should be tendered for the acceptance of the Local Government Board in Form 17A, copies of which are supplied on request. In applying for copies, it should be stated whether the guardian is or is not a rural district councillor.

Subscriptions by guardians.—Under s. 4 of the POOR LAW AMENDMENT ACT, 1851 (14 & 15 Vict. c. 105), as extended by s. 10 of the POOR LAW ACT, 1879 (42 & 43 Vict. c. 54), guardians are authorised, with the consent of the Local Government Board, to subscribe towards the support and maintenance of any public hospital or infirmary, any asylum or institution for blind persons, or for deaf and dumb persons, or for persons suffering from any permanent or natural infirmity, or towards any association or society for aiding such persons, or for providing nurses, or for aiding boys or girls in service, or towards any other asylum or institution which appears to the guardians, with the consent of the Board, to be calculated to render useful aid in the administration of the relief of the poor.

Applications for the consent of the Local Government Board under the above enactments should be accompanied by full particulars of the proposal of the guardians, information showing that the paupers under the guardians have, or could have, assistance in the asylum or institution in case of necessity, and a concise statement of the grounds on which the proposal is based.

II. GENERAL.

Advice to members of local authorities.—The Local Government Board usually decline to advise individual members of a local authority on questions connected with the powers and proceedings of the body of which they are members.

Ferro-concrete.—The President of the Local Government Board has stated in reply to questions in the House of Commons that he is advised that it is doubtful whether ferro-concrete is a suitable material for permanent structural work under all conditions, and that there is need for caution in dealing with it. Examples have been brought under his notice of the failure of works constructed of this material.

There has not been sufficient experience in connection with this matter to enable the Local Government Board to arrive at a definite conclusion with regard to the economy and efficiency of buildings constructed with ferro-concrete, and the President was not satisfied that the periods allowed for the repayment of loans for work so constructed can properly be extended. These periods varied from fifteen to thirty years according to the position in which and the purpose for which the material was used.

Overseer's power to resign.—The Local Government Board have stated in reply to inquiries that the office of overseer is a compulsory one, and that they are not aware that a qualified person duly appointed can be relieved of the office unless by quarter sessions on appeal against the appointment under s. 5 of the Poor Relief Act, 1601.

Rating of particular hereditaments.—The Local Government Board have no authority to determine questions as to liability of particular hereditaments to the payment of local rates, and they usually decline to advise upon such questions submitted to them.

Reports of inspectors.—The reports of the inspectors of the Local Government Board with regard to matters inquired into by them, are, except in a few cases where the statute relating to the inquiry otherwise provides, confidential documents and intended solely for the information of the Board. The Local Government Board, therefore, almost invariably decline to supply copies to local authorities and other parties interested.

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